Victoria Police Manual

General Category – Human Resource Management

Topic – Mobility of Employees

VPM Instruction

306-11 Redeployment (unsworn employees)

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Update History

1. Policy

The aim of this policy is to specify the redeployment approach to be adopted across Victoria Police for employees covered by the Victorian Public Service Agreement 2006 and the Public Sector Policy Manual.

2. References

- Victorian Public Service Agreement 2006
- Public Administration Act 2004
- Public Sector Policy Manual

3. Definitions

Holding position – A holding position is created to place an employee who has been unattached by the Director of the Human Resource Department. Holding positions are not part of the approved funded establishment and have no prescribed duties.

Retraining – a reasonable course or on-the-job training which assists in facilitating an employee to be matched to a position through the redeployment process. The Force Redeployment Group, Human Resource Department, in consultation with the surplus employee and relevant management will assess whether retraining is reasonable.

Surplus Employee – employee who has been formally unattached from their position, referred to the Force Redeployment Group, Human Resource Department to participate in the redeployment process, and placed in a holding position.

Unattachment – The transfer of an employee from a position in the approved establishment to a holding position.

Refer to the general VPM Dictionary for definitions and acronyms.

4. Principles

The following principles are not criteria for referral of an employee for redeployment. Further principles are outlined in Schedule B of the Victorian Public Service Agreement 2006.

4.1 Surplus Employees

- Employees cannot declare themselves surplus
- Criteria for determining which roles are to be declared surplus must be disclosed.
- Surplus employees have priority to be considered for vacancies that occur within the public service, unless the person is determined to be unsuitable for appointment to that vacancy by the prospective employing Agency or hiring manager;

4.2 Redeployment

- Employees cannot refer themselves to be redeployed;
- Redeployment should not be used to refer ill and injured employees;
- An employee whose role has been declared surplus to needs is entitled to be considered for redeployment as a first step.
- The redeployment of surplus employees is to be consistent with the application of the principles of fair and reasonable treatment and merit selection;
- There will be a minimum period of redeployment for three months unless agreed otherwise. Permanent redeployment is a preferred outcome, having regard to the employee’s training, knowledge and background.
- There will be salary maintenance for up to six months where the surplus employee is placed (permanently or temporarily) by agreement in a lower classified vacancy.
- The Community and Public Sector Union may be consulted to ensure that all parties are confident that appropriate efforts are being made to place affected employees in properly assessed duties.
- Unplaced surplus employees to have access to departure packages only after a reasonable period.
- Retrenchment and payment of a separation package is to be used as an action of last resort where redeployment within a reasonable period does not appear likely.

4.2.1 Casual employees and fixed term contract employees

Casual and temporary employees are not entitled to redeployment and retrenchment benefits if their employment is terminated. However, specific consideration may need to be given to individual cases involving long term casual employees.

Fixed term contract employees who have completed their term of engagement are not entitled to redeployment or retrenchment benefits. However, specific consideration may need to be given to individual cases involving long term employees who have been employed on successive fixed term contracts.

5. Redundancy, redeployment and retrenchment

5.1 Consultation

Prior to any public announcement of restructuring or other major change initiatives, a process of consultation must occur with the Organisation Alignment Branch, Human Resource Department, employees and the Community and Public Sector Union.

Consultation is required where Region/Department Heads decide to restructure the workplace, introduce new technology or change existing work practices that affect employees and may result in them being declared surplus to needs. If the changes are likely to result in surplus roles, the employer must ensure the employees are aware that they may be retrenched. Employers are required to consult with the Organisation Alignment Branch, Human Resource Department who will notify the employees and the

Community and Public Sector Union of the proposed changes as soon as practicable from the date of the decision. The likely effects on the employees' responsibilities and working conditions are to be advised.

More generally, managers are to regularly consult with affected employees and the Community and Public Sector Union and give prompt consideration to matters raised, in order to ensure that change initiatives are implemented with the involvement of all relevant parties and in a spirit of full consultation.

5.2 Support to affected employees

Employees affected by organisational change must be provided with support and assistance to consider and pursue the options available to them. The assistance may include but is not limited to:

- counselling and support services;
- career planning;
- retraining;
- preparation of job applications;
- interview coaching;
- time off to attend job interviews; and
- financial advice (for all employees eligible to receive a package).

6. Redeployment process

The redeployment process commences after the identification of a surplus employee. The approach to managing a surplus employee is set out below:

6.1 Identifying Surplus Employees

- When an unattached employee is awaiting placement, the Force Redeployment Group, Human Resource Department will regularly contact the management of the work area where the person occupied a position prior to being unattached and request management to identify whether the employee can be re-absorbed into the work area or an alternative Region/Department
- If management is unable to re-absorb the employee, the manager is required to initiate action to declare the employee surplus for the purposes of redeployment. Declaration of an employee as surplus requires approval by the Director, HRD
- Surplus employees are to commit to participate in the redeployment process in good faith.

6.2 Preparing for redeployment

- Preparation for redeployment is to occur within 2 weeks of identification of a surplus employee
- Following declaration of an employee as surplus by the Director, Human Resource Department, the Force Redeployment Group, Human Resource Department will manage each surplus employee;

6.2.1 The Force Redeployment Group

- The Force Redeployment Group, Human Resource Department is responsible for placing surplus employees into vacancies for which they are suitable or could be deemed suitable with reasonable retraining.
- The Force Redeployment Group should provide individualised case management and support, including counselling, provision of job search skills, liaison and retraining to assist in achieving placements.

- The Force Redeployment Group, Human Resource Department must advise the employee, in writing, of:
  - the actual date his or her role is declared surplus to needs,
  - the details of the redeployment process, and
  - the employee's rights and obligations
- The Force Redeployment Group in consultation with the surplus employee will:
  - Undertake a skills audit of the surplus employee;
  - Organise/participate in CV preparation and interview skills training; and
  - Agree to job search criteria (duties, location, classification).
- It is reasonable for a surplus employee to undertake an interview as part of the Redeployment selection process.

6.3 Commencing redeployment

The redeployment process takes place continually over a 3 month period:

- On commencing the redeployment process, the Force Redeployment Group will:
  - consult with the surplus employee and identify all possible public service vacancies for matching, and discuss options to facilitate the matching process and any reasonable retraining required;
  - facilitate the consideration of the surplus employee in consultation with the relevant employer or line manager;
  - arrange feedback to the surplus employee after a referral or interview; and
  - ensure that all relevant vacancies are reviewed to maximise the opportunities of valid offers for redeployment. A valid offer involves an offer of duties to a suitably qualified employee (which will be at the same level or status or the same or different general location as the employee's previous employment).
- In using best endeavours to identify potential duties to offer surplus employees, priority should be accorded to duties in the following order:
  - Duties for which the employee is already qualified or who would become qualified for the position as a result of incidental or top up training within a reasonable distance from existing duties and not less than the same level or status;
  - Duties that are located within a reasonable distance from existing duties and are of a different level or status;
  - Duties of a different status or level and at a different location (where this change of level, status and location is acceptable to the employee).

6.4 Effect of assignment or transfer to a suitable vacancy

A permanent transfer to an internal ongoing vacancy or transfer to an ongoing role in another agency completes the redeployment process.

Placement in a specific (fixed) term vacancy of up to 3 months temporarily ceases the redeployment process and any residual period of redeployment will be reactivated after the expiry of the employees' specific term appointment.

If an employee is successful in obtaining a specific (fixed) term vacancy in excess of 3 months, any residual period of redeployment will be reactivated and timed to conclude at the same time as the specific term appointment expiry.

6.5 Effect of leave

If an employee requests paid leave while surplus to needs, and the leave is approved, the redeployment process temporarily ceases and any residual period of redeployment will be reactivated at the completion of the employee’s paid leave.

7. Retrenchment and redundancy packages

If redeployment is not achieved at the end of 3 months, employment may be terminated and the surplus employee will be provided with a VPS retrenchment package (Targeted Separation Package or Voluntary Departure Package).

Termination will not occur at the end of the 3 month redeployment period if an extension of time has been approved by the management of the work area where the employee previously owned a position.

The Voluntary Departure Package and the Targeted Separation Package are Government approved separation packages and are benchmark standards not to be exceeded.

7.1 Voluntary Departure Package (VDP)

7.1.1 Overview

- The Voluntary Departure Package is an ‘early retirement scheme,’ which may be offered in circumstances where larger scale structural change or employees reductions are required.
- By accepting a VDP, employees resign or retire and accept conditions related to re-employment with Government. A 3-year re-employment restriction from the date of cessation applies.
- The VDP is for large scale structural change or where staff reductions are required. The standard package comprises:
  - 4 weeks pay in lieu of notice on cessation; plus
  - a lump sum voluntary departure incentive of up to $10,000 (for a full time employee) plus 2 weeks pay per year of continuous service up to a maximum of 15 years.

7.1.2 Key features of the Voluntary Departure Package

- Employers must obtain prior approval from the Australian Taxation Office before conducting a Voluntary Departure Package program.
- Employers are not bound to accept any employee’s expression of interest in, or to offer any particular employee a VDP.
- Offers must be made on the basis of criteria established by the organisation that have regard to its operational requirements and the availability of funding.
- Employees are not compelled to accept offers and may withdraw an expression of interest at any time prior to accepting an offer.
- The VDP is not appropriate in situations where there is no prospect of on-going work for employees whose roles are declared surplus to needs due to the winding-up of an organisation or facility. It is only applicable in circumstances where affected employees have a genuine choice as to whether they wish to voluntarily depart or remain as employees.
- Recipients of the VDP are required to agree not to seek or accept re-employment or any other fee for service from any public sector employer for a minimum of 3 calendar years from the date of their termination. In extraordinary circumstances, an Agency Head may approve re-employment but there must be no undertakings made to this effect prior to an employee’s departure as a VDP recipient.

- Employees must be on the payroll and in ongoing roles to be eligible for Voluntary Departure Packages. Those not eligible include employees on unpaid leave, probation or trial, in fixed term (includes executives) or casual roles, as well as Work Cover recipients and essential services employees. The calculation of each week's pay is affected by part-time or former part-time work.
- More information on Voluntary Departure Packages is available from the State Services Authority Public Sector Policy Manual.

7.2 Targeted Separation Package (TSP)

7.2.1 Overview

- The Targeted Separation Package is a compulsory retrenchment package applied by the employer, as a last resort, where there is no opportunity for continued employment
- The standard package comprises:
  - 4 weeks pay in lieu of notice on cessation. If the employee is over 45 years of age and has completed at least 2 years of continuous service, the notice period is increased to 5 weeks pay in lieu of notice; plus
  - 2 weeks pay per year of continuous service up to a maximum of 10 years.
- The calculation of each weeks pay is affected by part-time or former part-time work.

7.2.2 Key features of the Targeted Separation Package

- The Targeted Separation Package is a bona fide redundancy scheme for taxation purposes; no prior approval is required from the Australian Taxation Office as long as it can be established that the separation was a bona fide redundancy.
- Decisions on which particular roles are declared excess or surplus must be made on objective, non-discriminatory criteria that are consistently applied.
- Departments and agencies should exhaust redeployment opportunities before proposing a Targeted Separation Package.
- More information on Targeted Separation Packages is available from the State Services Authority Public Sector Policy Manual.