

Managing Displaced Staff of the NSW Health Service

Document Number PD2007_085

Publication date 21-Nov-2007

Functional Sub group Personnel/Workforce - Conditions of employment
Personnel/Workforce - Industrial and Employee Relations

Summary This document is the policy on managing displaced staff members of the NSW Health Service. It describes the conditions applicable and the administrative procedures to be followed when a staff member of the NSW Health Service is excess to the workforce needs of the Division of the NSW Health Service in which they are employed. This document places an emphasis on redeployment, supported by counselling and training services. It also includes voluntary redundancy provisions where redeployment is not practical.

Replaces Doc. No. Displaced Employees - Managing [PD2005_517]
Displaced Employees - Managing [PD2005_104]

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Declared, Public Health System Support Division, Community Health Centres, Dental Schools and Clinics, NSW Ambulance Service, Public Hospitals

Audience All staff

Distributed to Public Health System, Health Associations Unions, NSW Ambulance Service, NSW Department of Health

Review date 21-Nov-2012

File No. 06/6961

Status Active

Director-General

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

**MANAGING DISPLACED STAFF
OF THE
NSW HEALTH SERVICE**

29 October 2007

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1. INTRODUCTION

1.1 Purpose and Scope

This document is the policy on managing displaced staff members of the NSW Health Service. It describes the conditions applicable and the administrative procedures to be followed when a staff member of the NSW Health Service is excess to the workforce needs of the Division of the NSW Health Service in which they are employed.

This document places an emphasis on redeployment, supported by counselling and training services. It also includes voluntary redundancy provisions where redeployment is not practical.

1.2 Rescinds and Replaces

Policy Directive 2005-517 - Managing Displaced Employees.

Policy Directive 2005-104 - Managing Displaced Employees – Policies On Priority Of Employment, Salary Maintenance, Conditions Of Employment And Voluntary Redundancy Provisions For Excess Staff In The NSW Health System.

1.3 Applicability

This document covers staff members of the NSW Health Service with the exception of the following categories of staff members:

- casual or temporary staff;
- exempt staff as specified under the Health Industry Status of Employment (State) Award;
- apprentices/trainees who fail to complete their apprenticeship or who are at the conclusion of their apprenticeship or within a short period thereafter;
- staff members on workers' compensation whose claim is currently the subject of litigation, or others awaiting determination of litigated claims;
- staff awaiting the outcome of disciplinary action which may result in termination of services; and
- Health Executive Service Officers (HES) or staff employed on a contract basis who receive similar conditions to HES Officers.

1.4 Compliance

Each organisation within the public health system must ensure that the obligations of Employer under this policy are met in relation to staff in that Division of the NSW Health Service corresponding to the organisation (the relevant Division).

1.5 Delegation

A Chief Executive (however called) of an organisation within the public health system is authorised to exercise the functions of Employer under this policy in

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relation to staff of the relevant Division subject to any conditions or limitations set out in this policy.

Such conditional authority may be sub-delegated by a chief executive in writing to another person who is a member of the same relevant Division.

2. DEFINITIONS

Director-General: means the Director-General of the NSW Department of Health.

Displaced Staff: means members of staff of the NSW Health Service to whom this document applies who are advised in writing that their positions have been deleted and that they are excess to the workforce needs of the Division of the NSW Health Service in which they are employed. Once a staff member who was displaced is appointed to a permanent position, that staff member is no longer considered displaced.

Division of the NSW Health Service: consists of the group of staff employed in or in connection with an Area Health Service, a Statutory Health Corporation, or a declared Affiliated Health Organisation; or in connection with the provision of ambulance services; or in connection with public health organisations providing corporate and other health support services to those public health organisations.

Employer: means the Director-General or any person authorised to exercise the Director-General's functions of employer under this policy in respect of staff of the NSW Health Service.

Equivalent Salary: is within 5% of the staff member's existing salary.

Existing Salary: is the rate of pay that applied to the displaced staff member's deleted position. It includes allowances in the nature of salary and any award, incremental or Director-General determined increase to which the staff member would have been entitled. It does not include shift penalties.

Allowances in the nature of salary are those allowances that are paid by the Employer for a specific skill, duty or qualification which were permanently required as part of the deleted position.

Disability, expense based and on call allowances are not included in a staff member's existing salary.

NSW Health Service: consists of those persons who are employed under Chapter 9, Part 1 of the Health Services Act 1997 by the Government of New South Wales in the service of the Crown. For the purposes of this policy directive, members of the Health Executive Service are excluded.

Public Health System: includes area health services, statutory health corporations, declared affiliated health organisations in respect of their recognised establishments or services, the Ambulance Service of NSW, Institute for Medical Education and Training, Health Technology, Health

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Support, Health Asset Services Office and any administrative unit or division under the control of the Director-General or Health Administration Corporation in respect of which staff of the NSW Health Service are employed.

Redeployment: means the transfer of a displaced staff member to an available position in the public health system.

3. RESTRUCTURES – CONSULTATIVE PROCESS

3.1 Consultation

Where a restructure within the public health system is likely to result in the displacement of staff, the Employer is to consult with the relevant industrial organisation/s in respect to the positions affected, at the earliest opportunity.

3.2 Restructuring Plan

In cases where the restructure will significantly impact on whole units or groups of staff members, the Employer will also need to develop and provide to the industrial organisation/s a restructuring plan.

When developing the restructuring plan, the Employer will need to identify the:

- reason for the restructure;
- benefits or likely impact the restructure will have on services;
- number of staff members affected, including details on their classifications and locations;
- a timetable for implementation; including details of consultation with the industrial organisation/s and information sessions for staff;
- possible effects on Equal Employment Opportunity groups;
- the availability of counselling and vocational assessment services for staff members; and
- where possible, estimated number of staff members likely to be redeployed and the number of voluntary redundancy packages that may be offered.

The Employer must retain the restructuring plan for audit/review purposes.

3.3 Broader Reforms

Where broader reforms affecting more than one organisation in the public health system, such as public health organisation amalgamations or the restructuring of corporate or other services, require a statewide coordination of the management of staff who may be displaced as a consequence of the reform, the Department of Health will convene discussions with industrial organisations to examine the most effective way of managing the process.

There may be circumstances where the Department and industrial organisations agree that until the reforms or a discrete part of the reforms are completed, no affected staff member, or particular tier/s of staff members, will be declared displaced in order to ensure that all relevant affected staff members are given equal access to redeployment opportunities.

4. IMPLEMENTING A RESTRUCTURE – STEP BY STEP PROCESS

4.1 Step One – Consultation

The Employer is to ensure the relevant industrial organisation/s has been consulted, as specified in Section 3 of this policy.

4.2 Step Two – Inform Affected Staff Members

At the earliest opportunity, the Employer is to inform all affected staff members in writing of the restructure and the likely impact it will have on their position e.g. position will not be affected, or position deleted but there will be opportunities to apply for a position in the new structure, or position deleted and the Employer will seek to redeploy etc. Affected staff must be informed of the anticipated timetable of the restructure and their entitlements under this policy if they become displaced as a result of the restructure, such as salary maintenance and priority consideration.

4.3 Step Three – Displacing Staff Members

When a staff member is no longer performing the duties of the position and the position has been deleted from the establishment, the Employer must inform the affected staff member in writing that they are displaced and surplus to the workforce needs of the relevant Division of the NSW Health Service in which they are employed.

Displaced staff must also be informed of the services and information sources available to them, the relevant salary maintenance and priority consideration entitlements and, if applicable, invited to express an interest in voluntary redundancy.

The services and information sources include:

- counselling services, including access to external counsellors, for personal and vocational matters;
- information on superannuation and financial entitlements;
- career transition retraining opportunities;
- employer contacts, and
- relevant industrial organisation/s contacts.

4.4 Step Four - Redeployment

The Employer is to begin immediate action to redeploy displaced staff members (refer to section 5 of this policy).

4.5 Step Five - Voluntary Redundancy

Where redeployment is not practicable, the Employer may call for expressions of interest in voluntary redundancy (refer to section 12 of this policy).

5. REDEPLOYMENT WITHIN THE PUBLIC HEALTH SYSTEM

5.1 Responsibilities

Redeployment is the preferred outcome for managing displaced staff and is a collaborative process between the displaced staff member, the Employer and the relevant industrial organisation if requested by the staff member.

Displaced staff can be redeployed to any available position, which they are capable of performing within the public health system. In the first instance, all redeployment opportunities involving placement into positions at equivalent salary must be explored. If there are no redeployment opportunities available at equivalent salary, the Employer may explore placements into positions at a different classification or grade.

5.1.1 Responsibilities of the Employer

The Employer must:

- facilitate redeployment action where possible; and
- release displaced staff members as soon as practicable for redeployment opportunities.

In addition to the above the Employer is to provide the following assistance, as appropriate for each displaced staff member:

- assistance with reasonable costs associated with attending interviews for positions where the Employer considers a redeployment opportunity may exist;
- meeting reasonable costs for retraining that facilitates redeployment;
- access to professional vocational counselling regarding career transition, training opportunities and occupational information;
- assistance in upgrading skills, which may include payment of fees, books, equipment; and
- access to assistance with job placement, including resume and interview skills.

5.1.2 Responsibilities of Displaced Staff Members

Displaced staff must:

- make themselves available to be considered for redeployment to a vacancy;
- accept reasonable redeployment opportunities; and
- undertake reasonable retraining at the Employer's expense.

5.2 Redeployment to Positions of Equivalent Salary

The Employer may permanently appoint a displaced staff member to a position of equivalent salary, including to positions that have not been advertised, where the Employer determines that the staff member meets the essential criteria of the position.

Where the Employer determines that there is more than one displaced staff member who is suitable for appointment to a vacant position, or where more than one displaced staff member is seeking redeployment to the same vacancy, appointment will be based on merit between the displaced staff members.

Once a displaced staff member has been permanently appointed, that staff member is no longer displaced.

5.2.1 Trial Placements

In circumstances where the Employer considers a displaced staff member may be suitable for appointment to a vacant position of equivalent salary given access to appropriate training, the Employer may place the staff member into the position for a trial period of up to three months. At the conclusion of the trial period, if the Employer considers the displaced staff member suitable for appointment to the position, the staff member is to be permanently placed into that position.

5.3 Redeployment to Positions of greater than Equivalent Salary

The Employer cannot permanently appoint displaced staff to vacant positions graded higher than their equivalent salary, as directly appointing a displaced staff member to such a position is in effect a promotion.

5.4 Redeployment to Positions of less than Equivalent Salary

The Employer may permanently appoint displaced staff members into positions of less than equivalent salary where there are no suitable positions at an equivalent salary.

Once a displaced staff member has been permanently appointed, that staff member is no longer considered displaced. Notwithstanding this, staff members permanently appointed in a position of less than equivalent salary remain entitled to salary maintenance and priority consideration until they acquire a permanent appointment at equivalent salary.

5.5 Temporary Vacancies

Where a displaced staff member meets the essential criteria for a temporary vacancy, the Employer should consider them for placement into the position. Salary maintenance provisions continue to apply if the temporary position is less than the displaced staff member's equivalent salary, along with priority consideration to vacant permanent positions.

6. REDEPLOYMENT REGISTER

The primary responsibility for matching displaced staff to available vacancies rests with the Employer. The Redeployment Register has been created to assist this process and is located on the NSW Department of Health “Healthjobs” Intranet site at <http://internal3.health.nsw.gov.au/healthjobs/Default.cfm>. Access to the Register is restricted to the appropriate human resource staff approved by the Director of Workforce Development of the relevant Division of the NSW Health Service.

As specified in 5.1 above, every effort must be made to match displaced staff to the same classification and grade that they previously occupied. If a displaced staff member can demonstrate to the Employer that they meet all the essential criteria they are to be offered the vacant position.

Where there is more than one displaced staff member interested in a vacant position who meet the essential criteria, selection will be based on merit between the displaced staff members.

6.1 Using the Redeployment Register - Step By Step Process

6.1.1 Step One – Place details of Displaced Staff onto the Register

Employers must register details of displaced staff members seeking redeployment on the Redeployment Register. Appendix A contains a pro forma to be completed by the displaced staff member to help this process.

6.1.2 Step Two – Check the Register Prior to Advertising

Prior to advertising any vacant position, either internally or externally to the public health system, the Employer is required to check the Redeployment Register to ascertain whether any displaced staff may be suitable for appointment to the position.

6.1.3 Step Three – Where a Match Occurs

Where the Employer identifies a possible match to a vacant position, they should contact the displaced staff member, or the displaced staff member’s Employer if they are employed by a different Division of the NSW Health Service, and make arrangements for the job description of the vacant position to be provided to the displaced staff member and an interview is to be conducted as soon as possible.

The interview process for a displaced staff member to a vacancy must be a fair and unbiased assessment of the candidate’s individual circumstances and suitability for the position. It is recommended that an assessment committee be established to interview the candidate(s). Any decisions must be appropriately documented.

After the interview is conducted and if the Employer believes the displaced staff member is suitable and meets the relevant requirements of the position, the Employer may permanently appoint the displaced staff member to the position. If this occurs, the staff member is no longer considered displaced.

Where the Employer deems a displaced staff member not suitable for the vacant position, the Employer should give clear reasons for the decision.

6.1.4 Step Four – No Match Identified

Where no match is identified on the Redeployment Register or where 6.1.3 is followed but does not result in the position being filled, the vacant position can then be advertised by the Employer, subject to meeting the requirements of any directions from the Director-General on advertising vacancies.

7. PRIORITY CONSIDERATION FOR VACANT POSITIONS

Displaced staff members and staff permanently appointed in positions of less than equivalent salary, receive priority consideration to vacant positions of equivalent salary in the public health system over other staff members of the NSW Health Service and/or external applicants. Steps Two to Four outlined in 6.1.2 – 6.1.4 above are to be followed to determine and assess staff members with priority consideration.

Priority consideration also applies to staff members displaced as a result of the closure of a hospital, a hospital becoming private or where services are tendered out to a private contractor. Where a staff member elects to take up a position with either the private operator or contractor, they will have priority consideration to vacant positions for a period of twelve months from the date of termination.

8. EMPLOYMENT OUTSIDE THE PUBLIC HEALTH SYSTEM

The Employer is to take reasonable steps to offer support and assistance to displaced staff members who express an interest in transferring to another NSW public sector agency.

Sections 86-88 of the Public Sector Employment and Management Act 2002 contain mobility provisions, such as temporary staff transfers and employer-sponsored permanent transfers, to facilitate the movement of staff within and between public sector agencies.

A displaced staff member who permanently transfers to another public sector agency will be employed under the conditions of the relevant industrial instrument and policies of the receiving agency from the date of transfer, and will commence accruing rights and benefits accordingly from that date.

For further information please refer to Premiers Department Memorandum 96-5, as varied from time to time, for public sector displaced employees provisions

and Division 2 of Part 3.2 and Schedule 3A of the Public Sector Employment and Management Act 2002 for cross public sector leave provisions. Premiers Department Memorandums can be viewed at the following web address:

<http://www.premiers.nsw.gov.au/TrainingAndResources/Publications/MemosAndCirculars/>

9. EMPLOYER INITIATED PERMANENT TRANSFERS

9.1 Legislative authority

9.1.1 Section 116C of the Health Services Act 1997

In addition to the provisions for employer initiated transfers under the Public Sector Employment and Management Act 2002 (refer section 86-87), section 116C of the Health Services Act 1997 prescribes that the Director-General, on the ground of redundancy, may direct the transfer of a member of the NSW Health Service from one position in the NSW Health Service to another regardless of the level of the position to which a staff member is to be transferred, but only if the Director-General satisfies certain criteria. If the Director-General is satisfied that the staff member has no valid reason for refusing the transfer, the Director-General can dismiss the member from the NSW Health Service, subject to the resolution of any appeals by the staff member as specified below.

No displaced staff member will be dismissed for refusing a transfer where relocation of residence is required.

Displaced staff members who do not wish to accept a transfer under section 116C, may apply for a review of the Employer's decision by the Directed Transfer Review Committee (see 9.2).

9.1.2 Section 83 of the Industrial Relations Act 1996.

Nothing in point 9.1.1 affects the operation of Part 6 (unfair dismissals) of Chapter 2 of the Industrial Relations Act 1996 or any other statutory right that a member of staff may have in respect to a claim that their dismissal or threatened dismissal from employment has or will be harsh, unreasonable or unjust.

9.2 Directed Transfer Review Committee

9.2.1 Lodging Appeals

Staff wishing to lodge an appeal against a transfer under section 116C through the Directed Transfer Review Committee must:

- lodge their appeal with the Employee Relations Directorate, NSW Department of Health within 14 days of the formal advice of the proposed transfer;
- notify the Employer in writing that they are lodging an application with the Committee; and
- provide the Committee with a current position description, or copy of the advertisement, to which the proposed transfer applies, a resume and reasons why they oppose the transfer.

The Employer must:

- advise the displaced staff member of the role of the Committee and the possible outcomes of the review;
- provide the displaced staff member with work pending the review; and
- provide a detailed brief to the Committee outlining the background to and reasons for the transfer.

9.2.2 Committee Members

The Committee will meet as required and will consist of the Director, Employee Relations, NSW Department of Health (the Convenor); the Director, Workforce Development, from the relevant public health organisation; a representative from the relevant industrial organisation and a Chief Executive (or delegated nominee) from an independent Division of the NSW Health Service.

9.2.3 Committee Process

The Committee will review the circumstances surrounding the proposed transfer having regard to the advertised selection criteria for the position and the staff member's reasons for declining the transfer. The Convenor may determine that additional information and/or committee members are required to assist in the Committee's deliberations.

9.2.4 Committee Recommendation

The Committee will recommend to the Director-General whether or not a staff member should be directed to transfer.

9.2.5 Direction to Transfer

Having considered the Committee's recommendation the Director-General will make a decision in accordance with Section 116C. The Director General will notify the staff member and the relevant Divisions of the NSW Health Service in writing of the decision within ten working days of receiving the Committee's recommendation.

The Health Services Act 1997, the Public Sector Employment and Management Act 2002 and the Industrial Relations Act 1996 can be viewed at the following web address: <http://www.legislation.nsw.gov.au>

10. RELOCATIONS

10.1 Relocation of Residence

Relocation of residence may not be a viable option for some displaced staff because of the adverse impact on their family situations or for other personal reasons. Where the Employer recognises that a displaced staff member has valid reasons for refusing a transfer where relocation of residence would be required, that staff member's eligibility to priority consideration for vacant positions, salary maintenance or voluntary redundancy will not be prejudiced.

10.2 Relocation Expenses

Where a displaced staff member with the approval of the Employer agrees to relocate their residence within or to another Division of the NSW Health Service to occupy a permanent position, the Employer will provide the staff member with the following leave and reimbursement for following expenses:

- up to 5 days paid leave for the purpose of sourcing new accommodation, packing and preparing the removal of household effects, cleaning the vacated premises and settling into the new premises;
- reimbursement for household removal expenses (this should be facilitated through Government providers MoveDynamics (Contract 409) see their website at <http://www.movedynamics.com.au>;
- reimbursement for the staff member and one family member for the cost of personal transport for one return journey to the new location to source accommodation and reimbursement for the final journey to the new location.

If the staff member elects to use a private vehicle they will be paid a car allowance rate at the casual rate as prescribed in the Official Travel Policy. The staff member may alternatively choose to travel by economy airfare, as long as the cost of the economy airfare does not exceed the cost of travelling by private vehicle. If a staff member still wishes to travel by air where the cost exceeds the cost of travelling by private vehicle, the additional costs are to be borne by the staff member.

11. SALARY MAINTENANCE

11.1 Eligibility

Displaced staff members, including those who voluntarily seek other employment within the NSW Health Service, or staff permanently appointed in positions of less than equivalent salary, are entitled to have their existing salary maintained.

Staff members whose positions have been 'downgraded' are also entitled to have their existing salary maintained.

11.2 Entitlement

The duration of salary maintenance is determined by whether the staff member's existing salary is less than, equal to or greater than the thereafter (maximum) rate payable for a Clerk Grade 10 under the Crown Employees (Public Sector Salaries 2007) Award.

11.2.1 Existing Salary IS LESS THAN Clerk Grade 10

Displaced staff members whose existing salary is less than the rate payable to the thereafter rate for a Clerk Grade 10 have a right to indefinite salary maintenance.

If at any time the salary being maintained becomes equal to or greater than the rate payable for a Clerk Grade 10, the provisions of 11.2.2 will apply from the date the increase is effected.

11.2.2 Existing Salary IS EQUAL TO OR GREATER THAN Clerk Grade 10

Displaced staff members whose existing salary is equal to or greater than the rate payable to the thereafter rate for a Clerk Grade 10 retain their existing salary for a period of three years from the date the staff member is advised in writing that they are displaced.

At the end of the three year period, the staff member's existing salary will be reduced to the rate of pay applicable to the position in which the staff member has been placed, unless that rate of pay is less than the rate payable for a Clerk Grade 10. If this occurs, the staff member is to be paid, and continue to be paid, the maximum rate payable for a Clerk Grade 10.

11.3 Conditions Where Maintenance May Not Apply

Salary maintenance provisions do not necessarily extend to any special conditions, which the staff member may have enjoyed in the former deleted position. Where relevant policies are applicable (e.g. Use of Motor Vehicles Within NSW Health, Policy Directive 2007/029 (as varied from time to time) these policies should be followed.

If the employee is redeployed to a position that has different conditions, then those conditions will apply from the date of commencement in the new position.

11.4 Leave Without Pay While on Salary Maintenance

Displaced staff who take the following types of approved leave without pay - maternity, parental, sick, defence, career break schemes under the Public Health System Nurses' and Midwives' (State) Award or carer's responsibilities - and who are subject to three year salary maintenance provisions, are to have the salary maintenance period extended by the period of the approved leave without pay. The extension of the salary maintenance period shall not apply to employees who apply for leave without pay for the purposes of undertaking alternative paid employment.

This extension shall apply regardless of whether the application for leave without pay is made prior to being declared displaced.

For example, a displaced staff member proceeds on maternity leave and within the period of maternity leave takes six months as maternity leave without pay. The salary maintenance period would be extended a further six months to take into account the period of leave without pay.

11.5 Payment of Overtime and Shift Penalties While on Salary Maintenance

Where a displaced staff member is placed into a position that attracts overtime and/or shift penalties, the overtime and shift penalties when worked by the staff member, are to be paid by the Employer and will be paid at the rate of the staff member's existing (maintained) salary.

The above does not apply where the displaced staff member's existing salary already compensates the staff member for shift penalties and/or overtime (e.g. Health Managers Level 5 and above).

11.6 Part-time Employment & Salary Maintenance

Where a part-time displaced staff member accepts a position at a lower salary and requests to work a greater number of hours, the staff member's existing salary will be maintained and the additional hours will be paid at the rate of the position the displaced staff member currently occupies. However if the Employer requests the staff member work additional hours, the additional hours will be paid at the staff members existing (maintained) rate. If the part-time position is a permanent position, the staff member is no longer considered displaced. No part-time displaced staff member will be required by the Employer to increase their substantive hours in order to take up another position.

If over the previous six months the staff member has consistently worked a systematic and regular number of hours in excess of their original part time hours on appointment, those additional hours should be averaged over the

twelve-month period and considered to be part of the existing part-time hours of the employee for the purposes of salary maintenance.

12. VOLUNTARY REDUNDANCY

12.1 Offering Voluntary Redundancy

Voluntary redundancies may be offered to staff members whose positions have been deleted, where there is no likelihood of redeployment, or where the skills of the displaced staff members are not in demand.

Before expressions of interest in voluntary redundancy are called, the Employer must consult with the relevant industrial organisation.

Voluntary Redundancy may be appropriate when:

- a facility is to close;
- functions at a facility are discontinued including situations in which a position or positions are moved to a location that would necessitate staff members to relocate residence;
- restructures occur within a Division of the NSW Health Service;
- there is a merger of two or more Divisions; or
- there is a shared corporate services program that results in a loss of positions and no other suitable positions are available.

In some special circumstances a more general program of voluntary redundancy may be appropriate, given the numbers, occupations and locations of positions affected by the changes.

12.2 Authority to Offer Voluntary Redundancy

Chief Executives (however called) of organisations in the public health system are delegated with the authority to offer displaced staff members' voluntary redundancy, except in the circumstances outlined in points 12.2.1 and 12.2.2 below.

12.2.1 No Agreement with the Relevant Industrial Organisation/s

Where there has been no agreement with the relevant industrial organisation/s to offer voluntary redundancies (either the industrial organisation/s has failed to respond or is opposed to the proposal), the approval to call expressions of interest is to be sought through the Department of Health's Employee Relations Branch.

12.2.2 Significant Social or Economic Impact

If a substantial organisational restructure is being undertaken that may cause significant economic or social impact on local communities, particularly in rural areas, the matter must be referred to the Director-General for determination before calling for expressions of interest.

12.3 Reporting Requirements

Organisations in the public health system are required to complete the form at Appendix B on a six monthly basis and forward it to the Employee Relations Directorate, NSW Department of Health.

12.4 Exchanging Positions

The Employer may also consider the possibility of permanently exchanging positions between displaced staff who have declined voluntary redundancy and other staff who are not affected, but who have indicated that they would accept voluntary redundancy.

12.5 Voluntary Redundancy Package

Staff members who accept voluntary redundancy are entitled to the following with payments to be at ordinary rates of pay:

- either four weeks notice or payment in lieu;
- either an additional one week's notice or pay in lieu for staff members aged 45 years and over with 5 or more years of completed service;
- accrued annual leave loading, including pro rata (or shift penalties, if applicable) in respect of leave accrued at the date of termination;
- additional severance payment where a staff member has at least 12 months continuous service (see 12.5.1 and 12.5.2);
- additional voluntary redundancy acceptance payment dependant on when the voluntary redundancy is accepted (see 12.5.3)
- additional superannuation benefit (see 12.5.4).

12.5.1 Severance Payment

Displaced staff members with greater than 12 months continuous service who accept a voluntary redundancy are entitled to the following payment as part of their voluntary redundancy package:

- **3 weeks per year of continuous service to a maximum of 39 weeks** (13 years service), with pro-rata payments for incomplete years of service to be on a quarterly basis and irrespective of whether that continuous service was full-time, part-time or a combination of both.

Calculation of the severance payment is treated in the same way in which long service leave is calculated and paid i.e. the payment is based on rate of pay the staff member received immediately prior to going on long service leave.

Where continuous service (up to the 13 years) involves part-time service, the staff member is entitled to choose either the averaging of their part and full-time continuous service or their current rate.

12.5.2 Definition of Continuous Service

For the purpose of this section, continuous service means NSW public sector service as defined in the *Public Sector Employment and Management Act 2002* and shall have the same meaning as in clause 3 of Schedule 3A of that Act.

A staff member's service may also be considered continuous if a staff member's service in the current public sector service immediately follows the staff member's service in the former public sector service. "Immediately follows" shall have the same meaning as in clause 4 of Schedule 3A the *Public Sector Employment and Management Act 2002*.

To determine if periods of leave without pay count as service in calculating the severance component, the long service leave principles apply. That is:

- staff with less than 10 years service: Leave without pay will not be accepted as part of completed years of service;
- staff who have completed at least 10 years service: Leave without pay for periods not exceeding six months taken after 1 January 1973 will be accepted as part of completed years of service.

12.5.3 Additional VR Acceptance Payment

Staff members who accept an offer of voluntary redundancy within 2 weeks of the offer being made, or with an extension of up to 4 weeks at the discretion of the Employer, and who agree to terminate their employment within the time nominated by the Employer, are entitled to the following additional payment at the staff member's ordinary rate of pay:

- Less than 1 year of service: **2 weeks pay**
- 1 year and less than 2 years of service: **4 weeks pay**
- 2 years and less than 3 years of service: **6 weeks pay**
- 3 years of service and over: **8 weeks pay**

12.5.4 Additional Superannuation Benefit

Staff members accepting voluntary redundancy may also be entitled to the benefit allowable as a contributor to a retirement fund. Please contact the State Superannuation Advisory Board for further advice.

12.6 Taxation Information

- Any unpaid salary is taxed at the staff member's normal tax rate.
- For the correct tax calculations for all unused leave payments, including annual leave and long service leave, refer to Australian Taxation Office tax table 3351 (Unused Leave Payments on Termination of Employment).
- For information on the tax-free limit for eligible termination payments, including redundancy payments, refer to Australian Taxation Office tax table 3349 (Eligible Termination Payments).

12.7 Assistance for Staff Members Accepting Voluntary Redundancies

The Employer is to ensure that a staff member accepting voluntary redundancy is aware of and has access to:

- counselling;
- retraining opportunities, career transition and occupational information;
- advice on access to professional assessment to assist in determining vocational skills, aptitudes and interest;
- information on programs to upgrade existing skills or acquire new skills;
- assistance with job search (including resume preparation, interview skills etc);
- assistance with trade/skill certification.

12.8 Reimbursement of Training Costs

Staff members accepting voluntary redundancy are eligible for financial assistance up to \$5,000 in seeking alternative employment and/or skills that are in demand in the broader community.

The amount of financial assistance applicable to the staff member will be specified in an individual action plan signed by the Employer and the staff member accepting the redundancy. The action plan must clearly indicate the costs for which the staff member is seeking reimbursement. Staff members may accumulate expenses for a period of up to one year from their last day of duty, however the action plan can only be changed with the written agreement of the Employer.

Reimbursement, subject to prior Employer approval and the production of receipts, may include cost associated with:

- counselling;
- workshops or individual assistance with job-seeking skills, interview techniques and resume preparation;
- reasonable training to upgrade existing skills or acquire new skills, including courses run by universities, TAFE colleges, community colleges and private providers;
- trade tools required for alternative employment;
- certification eg trade tests and licensing;
- compulsory membership fees related to course attendance, including student activity fees, institution service and administration fees;
- compulsory books and equipment;
- special clothing or footwear if required for the training courses;
- fares: travel costs assessed as necessary to attend training courses;
- assistance with removal costs to gain employment;
- interpreting services;
- child care as required to enable the employee to attend training courses;
- out of pocket expenses not covered in any of the above-mentioned categories; and
- special needs, assessed on an individual basis.

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The Employer may, in special cases, exercise discretion to pay for costs in advance subject to the production of receipts.

12.9 Re-Employment Following Acceptance Of Voluntary Redundancy

Staff accepting voluntary redundancy are required to sign an undertaking to refund the Employer that proportion of the severance payment applying to the period of re-employment should they be re-employed in any capacity (including employment in a temporary, part-time, casual, consultancy or contracting capacity) in a NSW public sector service, as defined in the *Public Sector Employment and Management Act 2002*, within the period covered by the severance payment, prior to commencing such employment. The repayment covers the severance component and the additional VR acceptance payment, but excludes payment in lieu of notice.

For example, where a staff member has more than 13 years continuous service they would be required to refund that part of the 39 weeks plus the 8 weeks additional payment (not including the 4 weeks in lieu of notice or payment in lieu) which is not exhausted at the time they return to work in a NSW public sector service. If such a staff member received a severance payment of 47 weeks (excluding the 4 weeks notice) and then obtained employment in the public sector service 10 weeks after accepting voluntary redundancy, they would be required to repay the balance, i.e. 37 weeks.

It is up to the new employing public sector service to ensure that this requirement for repayment is met.

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APPENDIX A - DISPLACED STAFF MEMBER REDEPLOYMENT PROFILE

Personal Details

First Name				Surname		
Home Address						
Contact Details	Home Ph:	Work Ph:	Fax		Email	
Gender (Please circle)	MALE/FEMALE	Date Of Birth	____/____/____		Employee ID	

Current Employment Details

Employer:			Facility/Location (incl. address)		
Substantive position			Award Classification		
Salary p.a.			Salary Range (if applicable)	_____ to _____	
Employee Type (please circle)	FULL-TIME/PART-TIME (If part time please indicate days/hours per week)				
Date Declared Displaced	____/____/____ Formally advised in writing.....yes/no				

Qualifications, Skills and Experience

Skills Summary

Please **attach** a brief typed summary (no more than 10 lines) of your major skills, qualifications and work experience. You should note that the skills summary will be used to match you to positions, so the summary should be reflective of your most relevant skills, qualifications and work experience and the areas that you would like to be redeployed into.

Redeployment Preferences

Location: <i>(please state locations you would be interested in being redeployed to, including other Area Health Services - list specific towns/suburbs)</i>	Type of work you would be interested in:
	Hours of Work Full Time Part Time _____ hrs per week Either

I agree to the information under Current Employment Details; Qualifications, Skills and Experience and Redeployment Preferences being placed on the NSW Health Redeployment Register for the purposes of redeployment or recruitment within the health system (Personal Details will not be placed on the Register)

Signature:

Date:

