

Public Sector Reform Reforming the Public Sector to Deliver Improved Services to the NSW Community

Supplementary Questions and Answers as at 1 October 2013

This supplementary document has been prepared in relation to questions about Leave Entitlements and Assignment to Roles under the *Government Sector Employment Act 2013* (GSE Act).

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LEAVE ENTITLEMENTS

Will leave entitlements change when the GSE Act commences?

There will be no reduction in leave entitlements as a result of transfer from the *Public Sector Employment and Management Act 2002* (PSEM Act), to the Government Sector Employment Regulation (GSE Regulation). In addition, existing leave entitlements of employees will be maintained in the transition to the GSE Act.

Current leave entitlements that are provided for under the PSEM Act, the PSEM Regulation and industrial awards will not be affected by the commencement of the GSE Act.

One of the key reform goals is to have a simpler legislative framework. To achieve this, detailed provisions previously contained in the PSEM Act are being relocated to the GSE Regulation.

The GSE Regulation is currently being drafted prior to consultation.

The GSE Regulation will generally deal with matters of Government policy, employee entitlements and other matters that do not change frequently and are necessary to support the implementation of the GSE Act.

Amongst other things, the GSE Regulation will include key provisions which are transferred from the PSEM Act, such as extended leave and other leave entitlements, and recognition of prior service.

Like the GSE Act, and the government sector employment rules (GSE Rules), the GSE Regulation will be drafted by the Parliamentary Counsel.

ASSIGNMENT TO ROLES

Rationale

The change from positions to roles is designed to promote mobility across the sector; broaden employees' capabilities and provide them with new development opportunities; and allow agencies to respond quickly to changing Government priorities or community needs.

Public Service Commissioner's Guidance

The Public Service Commissioner will be developing guidance for agencies on assignment to roles (as well as staff transfers and temporary assignments) and consultation in these circumstances. The GSE Act also allows for GSE Rules to be made on these matters.

How will Public Service employees be assigned to roles under the GSE Act?

When the GSE Act commences, existing non-executive Public Service employees will be transitioned from a 'position' to a role in the same classification of work, at the same grade, and in the same Public Service agency in which they were employed under the PSEM Act.

After the start of the GSE Act, non-executive employees of the Public Service may be assigned to a different role within their agency to enable the flexible deployment of staff resources within that agency and to develop the capabilities of staff (see section 46 of the GSE Act). The remuneration of the employee cannot be reduced without his or her consent.

Non-executive employees cannot be reassigned to a role in a different Public Service agency.

Movements of non-executive staff across agencies will continue to occur through transfer and secondment provisions (sections 64 and 66 of the GSE Act). Where transfers and secondments are employer initiated, the employer is required to consult with the employee.

Public Service senior executives may be assigned to a role in any agency across the Public Service following consultation with the employee (see section 38 of the GSE Act). The employee's remuneration cannot be reduced without their consent.

Can a Public Service employee be assigned to a new location?

Under the current PSEM Act, employees may be moved to a new position which may or may not be at a different workplace location (see section 86A and section 87 of the PSEM Act, and Chapter 3 'Commentary and guidelines on staff mobility' of the Personnel Handbook). Consultation with the employee is required to allow the person to raise any concerns.

Under the GSE Act, the assignment of an employee to a different role may also involve a move to a different workplace location in some cases and, similarly, consultation is required.

Also, the provisions of the Crown Employees (Transferred Employees Compensation) Award remain unchanged and will continue to apply to staff required to relocate.

Is there a requirement for consultation about assignment to a different role, and what will the consultation involve?

The GSE Act provides that both executive and non-executive employees must be consulted before assignment to a different role. The consultation will allow the staff member to be informed and given an opportunity to have his or her circumstances taken into account by the employer.

The PSC website will be kept up to date with developments at
www.psc.nsw.gov.au/publicsectorreform

Regular updates will also be provided in the PSC e-newsletter, [WorkWise](#).

You may also email any questions to publicsectorreform@psc.nsw.gov.au