

INFORMATION SHEET - Filling jobs resulting from substantial change

INTRODUCTION

When substantial change occurs in the Northern Territory Public Sector (NTPS), such as two agencies merging or a work unit restructure, existing jobs may be impacted. For example: some jobs may no longer be needed; some jobs may need to be re-evaluated which could lead to a job being reclassified at a higher or lower level; or the agency may create new jobs. In some situations existing jobs will not change and will simply transition to the new agency/work unit with employees transferred to jobs they were already performing.

Where a job changes, two similar jobs are merged into one, and/or new jobs are created, and as a result there is more than one employee affected, these jobs are declared 'vacant' by the Chief Executive Officer (CEO). Following this, a selection process to place the most suitable employees into these jobs occurs. In some agencies, this selection process is called the 'employee placement process'.

The information provided in this Information Sheet must be read in conjunction with [Employment Instruction Number 1 \(Filling Vacancies\)](#) and the relevant enterprise agreement.

FREQUENTLY ASKED QUESTIONS

The **Frequently Asked Questions** and responses set out below are provided to help you understand the selection process when substantial change impacts on the jobs in an agency.

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1. What is meant by ‘affected employees’ when talking about substantial change in an agency?

‘Affected employees’ refers to all employees (ongoing and fixed period) who are nominally and actually attached to a work unit (cost centre) that is substantially affected by change. This includes employees who are on transfer to other jobs in other work units/agencies or on secondment.

2. How will jobs be filled as a result of a substantial change in my agency?

There is a process in clauses 12.2(a) to (g) of Employment Instruction Number 1 for filling jobs in these situations. The CEO and a majority of the employees who will be subject to the selection process need to agree if this process is to be followed. If there is no agreement, the agency’s usual recruitment process will apply. The flowchart below illustrates the process in clause 12.2 of Employment Instruction Number 1 for filling jobs resulting from substantial change:

Process for filling jobs



3. Will the CEO consult with me and my union about the selection process referred to in question 2?

Yes, your CEO is required to comply with the consultation requirements under the management of change provisions set out in your enterprise agreement. Consultation must

occur and the majority of employees, who will be subject to the proposed selection process, must agree before the selection process can be used.

4. How can my job be declared 'vacant' when the duties I perform have not changed?

As a result of the restructure in your work unit there may be more than one affected employee potentially suitable for the job you have been performing. In these cases the CEO will declare the job 'vacant' and the agreed selection process followed (see [question 2](#)).

5. I am on leave or working elsewhere in my agency or another agency. Will I be consulted if my normal work unit undergoes restructuring?

All affected employees need to be informed of changes likely to affect them and be given an opportunity to put forward views, comments and suggestions before change is implemented. This includes feedback on the process to be adopted for filling jobs. Your agency's CEO, after considering feedback from employees (and unions), will confirm the new structure, the agreed selection process and commence action to place employees in the available jobs.

For this reason it is important to keep your contact details (including alternate contact details) up-to-date in myHR.

6. How will I be notified if I am an affected employee and/or if I need to apply for jobs in the new structure?

Your agency will determine the best method of communicating with you to ensure you are kept informed of developments, including advising you of, and considering you for, relevant jobs.

7. Do some employees get priority consideration when filling jobs resulting from substantial change?

Yes. Ongoing employees affected by the change within the work unit must be considered for transfer in the first instance. If the job is not filled from that process, then other affected employees in that agency (this includes redeployees and unattached officers¹) will be considered.

Where there are multiple affected employees, the selection panel will select the most suitable person for the job.² If there are no suitable internal employees, the CEO can consider NTPS redeployees listed on the OCPE Redeployment Database for the job.

It is only after affected ongoing employees³ within the agency and redeployees (internal and external to the agency) have been considered and found not suitable that the CEO can consider affected fixed period employees (i.e. those employees on temporary contracts) for the job. Subject to the Commissioner for Public Employment's approval, an agency's fixed period employees may be considered by the CEO for the job in certain circumstances. Contact your Human Resource Management Unit for more information.

¹ An 'unattached officer' means an employee who is not held as the nominal occupant of any established position within an agency and the employee was an unattached officer for reasons other than substantial change.

² For more information on selecting the most suitable person for a job and the merit principle, see section 5D of the [Public Employment and Management Act](#).

³ Includes an agency's unattached officers affected by the substantial change.

8. My agency has in place a Special Measures Recruitment Plan. Will the Plan apply to filling jobs resulting from substantial change occurring because of the machinery of Northern Territory Government changes effective on 12 September 2016?

No. An agency's Special Measures Recruitment Plan will not apply to filling jobs resulting from substantial change that is directly related to the machinery of government changes effective on the 12 September 2016. This is the case whether the agreed selection process or the agency's usual recruitment process is used. (See [question 2](#))

9. Is there a limit on the number of jobs I can apply for?

No. As long as you meet the eligibility requirements for a job, you can apply for more than one job. Your agency will provide information about how you can apply for jobs during the period of substantial change.

10. What if I am an affected employee and I choose not to apply for any jobs?

Ongoing affected employees who are eligible to be considered for jobs through the agreed selection process, and who choose not to apply for available jobs, will be still be considered by the selection panel as part of this process. If the employee is found suitable for a job then he/she will be matched to that job.

11. How do I find out if I have been selected for a job?

You will be advised in writing of the outcome of selection decisions.

All employees considered for a job by the selection panel will be provided a summary of the reasons why the selected employee was found most suitable for the job (i.e. work history and level, knowledge, skill, qualifications and experience, potential and overall suitability). This step is required under the [NTPS Recruitment and Selection Policy](#) which has committed to a high standard of candidate care, including, in particular, sufficient information about selected applicants so that the non-selected ones can fully understand the basis for the decision. This is done to increase the transparency of NTPS selection processes and assist all employees considered for the job in understanding the reasons for the selection decision.

12. Can my CEO transfer me to a same or like job within the agency?

Yes. A CEO can transfer an employee to perform other duties in the agency the CEO considers the employee is capable of performing and competent and qualified to perform. Those duties may be required to be performed in a different locality from the duties previously being performed by the employee. However, if there is more than one employee affected by the change who is potentially suitable for the job, the selection panel will select the most suitable person to fill the job.

13. Will 'unattached officers' in my agency be given 'redeployee' status as they are not assigned to a job/position number?

An affected ongoing employee, including an unattached officer, can only be officially declared a 'redeployee' once the agency has exhausted all attempts to place the employee within the agency or in another agency through consideration on merit.

If an unattached officer cannot be placed during the filling of jobs and agency restructuring process, the unattached officer may be managed in accordance with the redeployment process.

14. If my nominal job no longer exists in the proposed new structure but the duties of my job have been included in a new job that has been classified at a higher level, can I be directly promoted to the new job?

No, filling the job at the higher level must follow the agreed selection process as explained in [question 2](#).

15. What is the process for considering redeployees from other NTPS agencies?

In the first instance, the CEO will only consider redeployees from other NTPS agencies after all internal affected ongoing employees and redeployees have been considered. Then, for any jobs yet to be filled, the agency will upload the job description onto the OCPE Redeployment Database for a minimum period of one week. This is to allow other NTPS agency redeployees and their Placement Officers to consider if the job is a suitable employment opportunity for the redeployee. If a redeployee applies for, or is referred to, the job during this period the agency must consider the redeployee's suitability for the job with a reasonable period of training.

The agency's selection panel cannot consider other employees for a job until all redeployees who applied for the job are found to be unsuitable by the panel and this decision is supported by the Commissioner for Public Employment. In this situation the Commissioner's decision is final.

16. What can my CEO do if there are no suitable affected ongoing officers, redeployees or unattached officers for a job?

Subject to giving consideration to other NTPS redeployees listed on the OCPE Redeployment Database, the CEO can either:

- proceed with the usual recruitment and selection process; or
- if the job is less than six months, advertise for internal expressions of interest.

(See also [question 15](#))

17. I am an employee from another agency working in a restructured work unit. Can I be considered for jobs in this unit I'm working in now?

Although you are currently working in the restructured unit, you are an employee from 'outside the agency' for the purposes of the selection process resulting from substantial change. The CEO may consider employees from outside the affected work unit/agency, however, affected ongoing employees within the work unit and redeployees have higher priority consideration. (See [question 2](#) and [question 7](#)).

18. If I am an employee from another agency working temporarily in the restructured work unit, will my temporary transfer or higher duties be cancelled?

If the duties you are temporarily performing are no longer required you should contact your Human Resource Management Unit for advice on your temporary employment arrangement.

19. I am on a fixed period contract. Can I be considered for jobs resulting from substantial change?

Yes, after consideration is given to affected ongoing employees in the agency and redeployees on the OCPE Redeployment Database, and if there are no suitable employees in these categories at the level of the job, the CEO **may** consider fixed period employees for direct appointment or direct promotion in certain circumstances. The Commissioner for Public

Employment's approval is required and the CEO should have regard to any potential consequences (i.e. other employees at level and if the merit principle has been applied).

20. If I have been on higher duties in the same job for more than 18 months can I be considered for jobs resulting from substantial change?

Yes, after consideration is given to affected ongoing employees in the agency and redeployees on the OCPE Redeployment Database, and if there are no suitable employees in these categories at the level of the job, the CEO **may** consider employees who have been appointed on merit for placement on continuous higher duties allowance for more than 18 months in the same job for direct promotion. The Commissioner for Public Employment's approval is required and the CEO should have regard to any potential consequences (i.e. other employees at level and if the merit principle has been applied).

21. After all jobs related to my agency's substantial change have been filled, what happens to me if I am not placed in a job?

If you are an ongoing employee, the NTPS redeployment process will apply (see also [question 22](#)).

If you are a fixed period or casual employee – you should contact your Human Resource Management Unit who will advise you on your employment arrangements and courses of action.

22. Where can I get information about the redeployment process?

The NTPS has very clear provisions within enterprise agreements relating to the management of potentially surplus employees and the redeployment and redundancy process. For example, schedule 10 (page 234) of the [Northern Territory Public Sector 2013-2017 Enterprise Agreement](#) contains the redeployment and redundancy provisions. These provisions are set out in all enterprise agreements for public sector employees.

The enterprise agreement provisions are to be read in conjunction with the procedural requirements in [Employment Instruction Number 14 \(Redeployment and Redundancy Procedures\)](#).

Information about redeployment is also available on OCPE's website:

https://ocpe.nt.gov.au/working_in_the_ntps/machinery_of_government/redeployment_and_redundancy

23. I work part-time and my job will be affected by the changes. Can I continue to work part-time?

An employee who is currently engaged on a part-time basis (this includes ongoing part-time employees and full-time employees on an approved flexible work arrangement) should contact their agency Human Resource Management Unit for advice on the legislative entitlements regarding the continuation of part-time employment or flexible work arrangements. (See also [question 24](#).)

24. I am currently on a flexible working arrangement. Will I need to renegotiate the arrangement if I am an affected employee placed in a different job or new agency?

If your work functions and reporting lines have changed your individual flexible working arrangement may need to be reviewed by your CEO taking into account any operational needs and your own personal circumstances. Each situation will be assessed on its own merits.

Note: Flexible work arrangements are not automatic entitlements; however, managers are encouraged to work with employees to consider such arrangements to benefit employees' needs, taking into account operational needs of the work unit, including impact on all employees. The Fair Work Act 2009 (Cth) provides employees with a right to request flexible working arrangements in certain circumstances. Contact your Human Resource Management Unit for more information.

25. Will the standard NTPS recruitment and selection process be used when the period of substantial change has ended?

Yes. The [NTPS Recruitment and Selection Policy](#) will be followed in the usual manner when the period of substantial change has ended.

26. Can the number of jobs in an agency be reduced as the result of substantial change?

As some services/functions provided by an agency may change as a result of substantial change there may be fewer jobs available in some areas.

27. What if I want to complain or lodge a grievance about the process?

You still retain your usual rights of review throughout the employee placement process and should refer to:

- your agency's internal complaints/grievance policy and procedures;
- section 59 of the *Public Sector Employment and Management Act* (Grievances); or
- your enterprise agreement's dispute settling procedures for disputes about issues arising from the application of the enterprise agreement.

28. Where can I get support during the substantial change process?

Employee support will continue to be available from a range of sources including your agency's Employee Assistance Program (EAP) providers, Human Resource Management Unit and/or your line manager.