

VACANCY MANAGEMENT AND STAFF TRANSFER PROTOCOLS FOR THE NEW PERMANENT INNER WEST COUNCIL ORGANISATION STRUCTURE

Effective:	<i>6 February 2017</i>
Type:	<i>Establishment / Procedure</i>
Responsible Division:	<i>Human Resources</i>
Associated:	<i>Templates # - #</i>
References & Legislation:	<i>Local Government Act 1993 (LG Act), Local Government Award 2014</i>

Purpose

To provide fair, transparent and efficient processes for staff to be appointed to vacant positions in the Inner West Council (**IWC**) **new organisation structure** in a manner that has minimal disruption, and displacement of existing staff provides for career development, that meets legislative requirements (S354 Local Government Act 1993) and which ensures continued delivery of quality services.

For filling of permanent positions in the new IWC permanent organisation structure, this Vacancy Management Procedure shall be undertaken as shown at Attachment A.

The IGM may consider a directed internal transfer process at any time during the recruitment process: the Work Base Transfer (WBT) and Similar Position Transfer (SPT) detailed processes are shown at Attachment B.

Where it is determined that internal appointment processes have not been productive, External Recruitment may be undertaken.

Summary of Processes:

Phase 1 – Internal EOI: Invitation for staff who believe they are doing substantially same duties, to be considered in a closed selection pool of applicants for Voluntary Transfer with new position salary. (LGA S354G).

Phase 2 – Internal Recruitment: Call for staff who believe they are suitably qualified, to be considered in Council-wide pool of applicants – new position salary will be offered. (LGA S354H)

Phase 3 -
External Recruitment: Recruitment process is opened to external applicants.

At any time:

Directed Internal Transfer: Either a Work Base Transfer (same job, different location - LG Award CI 15) or a Similar Position Transfer (substantially same job, elsewhere – LGA 354G) may be considered and effected – employee retains original salary and terms and conditions

Attachment A

VACANCY MANAGEMENT PROCEDURE FOR THE NEW PERMANENT INNER WEST COUNCIL ORGANISATION STRUCTURE

1. Purpose

To provide fair, transparent and efficient processes for staff to be appointed to vacant positions in the **IWC new organisation structure** in a manner that has minimal disruption, and displacement of existing staff provides for career development, that meets legislative requirements (S354 Local Government Act 1993) and which ensures continued delivery of quality services.

2. Definitions

Term	Definition
Employee/s	All staff employed at the date of Proclamation including temporary and casual staff
Vacant (Permanent) Position	A permanent position on the new IWC establishment that is to be filled permanently
Voluntary Transfer Request	A Transfer arising from an employee's voluntary submission for consideration to be transferred in response to an internal Expression of Interest advertisement for a vacant permanent position.
Same Duties / Substantially Same Duties	Assessed having regard to the person's duties and substantive job description including Award Band and Level, position delegations, supervision, and responsibilities.
Internal Recruitment or EOI Process	Recruitment or Invitation to express interest, that is being undertaken in a process only available to Council employees
Proclamation date	12 May 2016
Expressions of Interest (EOI)	A short application that is submitted on the Inner West Council Expression of Interest (EOI) template
Full Recruitment Application	An application that addresses the selection criteria of the position description, including any other questions and processes required in the recruitment process.
Displaced Officer	Employee that has not been appointed to a position in the new IWC structure and is now in the Project/Talent Pool
Eligible employee for Voluntary Lateral Transfer	An employee performing substantially-similar duties at the time of proclamation, as are required under the vacant permanent position
Suitably Qualified Applicant	An employee who was employed on or before 12 May 2016 who believes they possess the skills, experience and knowledge to apply for a vacant permanent position.

3. Vacancy Management

Following approval of the IGM to permanently fill a vacant position on Council's new structure:

A panel will be formed consisting of the Group Manager or their representative of the area and a HR representative to coordinate up to 2 sequential phases including consideration of EOI's and applications:

Phase I – EOI for Voluntary Transfer Request - Same Job

- a) Eligible employees across the Inner West Council will be offered the opportunity to submit an expression of interest EOI for consideration of a Voluntary Transfer Request - Same Job to the vacant position on the new structure, through normal advertising channels.
- b) The EOI process will be open for one week.
- c) Where there is equal number of applicant and positions the panel will assess these to see if they satisfy the Voluntary Transfer eligibility that is "substantially the same" test.
- d) If they do, the person(s) can be transferred to that position.

Phase I – Closed Merit - EOI for Voluntary Transfer Request - Same Job

- e) If more EOIs than positions are received, consideration will be given by the panel to the submissions for Voluntary Transfer eligibility i.e. substantially the same.
- f) If more than one EOI is then determined eligible, that closed pool of eligible EOI applicants will then be provided an invitation of one week to submit a full application for Voluntary Transfer consideration under merit-based recruitment processes. This will include normal recruitment procedures for the constitution of the panel, consisting of the Manager of the area or their delegate, an HR representative and an independent person.
- g) After considering Voluntary Transfer eligibility of the applicant/s, and completing a merit-based selection process if appropriate, the panel will advise the IGM either that:
 - i. no employees provided an EOI for Voluntary Transfer, or
 - ii. no employees were determined to be eligible for Voluntary Transfer, or
 - iii. X employee is recommended for Voluntary Transfer

Phase I – Voluntary Transfer Offers

- h) If an employee is approved for Voluntary Transfer by the IGM under 3 d) and the position is at Level 4 (Manager), the employee will receive an offer confirming the following:
 - i. their service continuity and continued leave accruals
 - ii. their employment protection from redundancy that existed at proclamation
 - iii. be offered a point on the interim salary structure applying to that job, until a new permanent salary structure is implemented for Inner West Council.
 - iv. be offered the new advertised conditions of employment applying to that job, until common employment conditions are negotiated for Inner West Council.
 - v. and if accepted (any) other applicant/s will be advised of the outcome in writing. The vacancy management is then considered complete.
- i) If an employee is approved for Voluntary Transfer by the IGM under 3 d) and the position is at Level 5 or greater (eg Level 6), the employee will receive an offer confirming the following:
 - i. their service continuity and continued leave accruals
 - ii. their employment protection from redundancy that existed at proclamation
 - iii. be offered a point on the interim salary structure applying to that job, until a new permanent salary structure is implemented for Inner West Council.
 - iv. be offered to retain their conditions such as Rostered Day Off provisions, until common employment conditions are negotiated for Inner West Council.
 - v. be offered to retain their current working hours pattern provided it meets the new Service Unit's business needs.
 - vi. and if accepted (any) other applicant/s will be advised of the outcome in writing. The vacancy management is then considered complete.
- j) If no employee is approved for a Phase I Voluntary Transfer, applicant/s will be advised of the outcome in writing, and Phase II will commence.

Phase II – Internal-Only Recruitment for Suitably Qualified Employees

- k) An internal-only recruitment process will commence for one week to allow employees who believe they are suitably qualified to apply for the vacancy under full merit-based selection processes.
- l) If an appointment is recommended to and approved by the IGM, the position regardless of level, will receive an offer confirming the following:
 - i. their service continuity and continued leave accruals
 - ii. their employment protection from redundancy that existed at proclamation
 - iii. be offered a point on the interim salary structure applying to that job, until a new permanent salary structure is implemented for Inner West Council.
 - iv. be offered the new advertised conditions of employment associated to that job, until common employment conditions are negotiated for Inner West Council.
 - v. and if accepted (any) other applicant/s will be advised of the outcome in writing. The vacancy management is then considered complete.
- m) If no recommendation for appointment is made, applicants will be advised of the outcome in writing, and Phase III will commence.

Phase III

The IGM will determine whether External Recruitment should commence. If so, the HR representative may be substituted with another appropriate person in accordance with the Recruitment Policy.

Directed Internal Transfer

At any time during the vacancy management phased processes, the IWC retains the right to fill the positions through a directed internal transfer process (see Attachment B).

5. Appeal Process

At any stage of the process staff can appeal decisions that have been made that they feel does not comply with the above process or unfairly disadvantages them, or they are dissatisfied with the outcome within 5 days of the date of notification of the outcome being notified.

Appeals are to be made to the Interim General Manager and will be managed in accordance with Council's Grievance Procedure and Council will make the best endeavors to resolve lodged appeals within 5 working days.

ATTACHMENT B

DIRECTED INTERNAL TRANSFER PROCEDURE

1. Purpose

To provide fair, transparent and efficient processes for staff to be appointed to vacant positions in the Inner West Council (**IWC**) **new organisation structure** in a manner that has minimal disruption, and displacement of existing staff provides for career development, that meets legislative requirements (S354 Local Government Act 1993) and which ensures continued delivery of quality services. Section 354 G of the Act allows for employees to be laterally transferred (directed transfers) into positions in the new organisational structure.

Two directed internal transfer processes may be utilised:

- a) Where no permanent vacancy exists but where operational needs require the transfer of a person, and/or a function, and/or a position, the IGM may direct that a Work Base Transfer (WBT) processes may be undertaken.
- b) Where a permanent vacancy exists, the IGM may direct that a Work Base Transfer (WBT) or a Similar-Position Transfer (SPT) process should occur instead of other recruitment processes.

This procedure provides for those WBT and SPT processes

2. Definitions

Term	Definition
Employee/s	All staff employed at the date of Proclamation including temporary and casual staff, and staff employed since that date
Vacant Permanent / Temporary Position	A permanent/temporary position that is to be filled permanently or temporarily
Work Base Transfer (WBT)	The formal process of internal movement of an employee and their position to a new work base, at the direction of the IGM
Similar Position Transfer (SPT)	The formal process of internal movement of an employee to undertake the same or substantially same duties on the new IWC structure , at the direction of the IGM
Same Duties / Substantially Similar Duties	Assessed having regard to the person's duties and substantive job description including Award Band and Level, position delegations, supervision, and responsibilities.
Internal Recruitment or EOI Process	Recruitment or Invitation to Express Interest, that is being undertaken in a process only available to eligible Council employees
Proclamation date	12 May 2016
IGM	The Interim General Manager or their delegate

3. Work Base Transfer

An employee can be required to undertake work in a new location through a Work Base Transfer (WBT) under the following scenarios:

- a) When the same or substantially same job is to be performed at a new work base, within the employee's former Council area
- b) When the same or substantially same job is to be performed at a new work base, within the new Inner West Council area

A WBT requires:

- Due consultation with the effected employee/s
- Reasonable notice in the circumstances
- The employee not to be unreasonably disadvantaged and in the case of 3b), additionally:
- The employee not to suffer unreasonable hardship because of the distance to be travelled

A WBT would ordinarily result in the employee and their substantive job being transferred to the new work base. This would be true if the job and the employee were, for example, being moved to the new organization structure.

In these instances, there will be no change to the employee's salary or other terms or conditions unless the changed salary and all terms and conditions are agreed on by the employee and Council.

4. Similar Position Transfer

An employee can be required to undertake work in a new position through a Similar Position Transfer (SPT) under the following scenarios:

- a) When the same or substantially similar duties are to be performed in a different position, within the employee's former Council area
- b) When the same or substantially similar duties are to be performed in a different position, within the new Inner West Council area

An SPT requires:

- Due consultation with the effected employee/s
- Reasonable notice in the circumstances
- The employee not to be unreasonably disadvantaged and in the case of 4b), additionally:
- The employee not to suffer unreasonable hardship because of the distance to be travelled

An SPT would ordinarily result in the employee being transferred to a different job in a new work area, with a resulting vacancy in the employee's former area.

In these instances, there will be no change to the employee's salary or other terms or conditions unless the changed salary and all terms and conditions are agreed on by the employee and Council.

5. Appeal Process

At any stage of the process, staff can appeal decisions that have been made that they feel does not comply with the above process or unfairly disadvantages them or they are dissatisfied with the outcome within 5 days of the date of notification of the outcome being notified.

Appeals are to be made to the Interim General Manager and will be managed in accordance with Council's Grievance Procedure and Council will make the best endeavors to resolve lodged appeals within 5 working days.