

Managing Positions in the State Service MPSS – 2016

APRIL 2016

Managing Positions in the State Service 2016 is issued by the Head of the State Service, under the authority of Section 15(1)(b) of the *State Service Act 2000*, who directs that the arrangements and the requirements set out in this document are to apply.

This replaces *Managing Positions in the State Services* issued in September 2014.

A handwritten signature in blue ink, appearing to read 'Greg Johannes', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

Greg Johannes, Head of the State Service

Date of effect 11 April 2016

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Managing Positions in the State Service (MPSS)

This package has been revised following an evaluation of the original *Managing Positions in the State Service* (MPSS).

The original MPSS was released in September 2014 to assist Heads of Agencies to meet the Government's commitment to reduce employment costs as well as to have a more productive and effective Tasmanian State Service through reducing employee related expenses.

The tools provided for within MPSS (vacancy control, redeployment, Targeted and Negotiated Voluntary Redundancies, and Workplace Renewal Incentive Programs) have been successful in negotiating exits and re-profiling the State Service.

The revised MPSS (March 2016) takes into account the findings of an evaluation into MPSS and simplifies, removes ambiguities and streamlines the original processes.

Agencies are required to still manage vacancies both through their own internal establishment management and State Service Vacancy Control processes.

It is imperative that Heads of Agencies continue to fulfil their legislative responsibility to ensure that their agency is operated as effectively, efficiently and economically as is practicable, and to use the mechanisms under MPSS to assist them fulfil this responsibility.

Greg Johannes
Head of the State Service

Overview

The Objective: Right Size, Right Skills, Right Service

Managing Positions in the State Service is one element of the Government's strategy to ensure our State Service is best placed to meet the needs of the Tasmanian community that only Government can satisfy.

This package is designed to ensure that the State Service:

- delivers the right services to meet the needs of the community when these needs can only be satisfied by Government;
- is lean and uses public resources as wisely and efficiently as possible to get the best return for Tasmania; and
- has the right people, with the right skills and knowledge, in the right positions to deliver these services.

Getting to the *Right Size, Right Skills, Right Service* is about optimising the use of our financial resources and the deployment of our people. Agencies must be strategic and ensure they match positions to people with the right skill sets, develop and recruit people for the State Service of the future while maintaining workplace diversity.

The tools and strategic options

To achieve the Government's objectives, and to support strict controls for filling positions, a range of strategic position management options are available. Heads of Agencies also have a suite of supporting tools which provide for redeployment, alternative employment, restructuring and voluntary redundancy.

Principles

Heads of Agencies are required to ensure that their agencies are operated as effectively, efficiently and economically as is practicable.

In so doing Heads of Agencies are to demonstrate:

- Transparency
- Consistency
- Open communication
- Supportive to employees

The State Service Management Office (SSMO) plays a key supporting role by developing tools to support reductions in employment costs, including facilitating whole of government redeployment processes.

Authority

Managing Positions in the State Service is issued by the Head of the State Service, under the authority of Section 15(1)(b) of the *State Service Act 2000*.

Application

This Package applies to all State Service agencies and organisations with permanent employees, who are employed in accordance with the *State Service Act 2000*, and the *Police Service Act 2003*.

Reporting

Heads of Agencies are to report on their implementation of *Managing Positions in the State Service*, to the Head of the State Service. SSMO will coordinate this reporting.

The Strategic Options

Heads of Agencies can adopt a range of strategies to reduce their employment costs.

Strategic Option 1. Reviewing agency services

Strategically reviewing agency services can assist agencies to realise sustainable and systematic efficiencies. This process will identify functions which may no longer be a priority to deliver, or which can be delivered at a lower level under tight fiscal constraints.

Strategic Option 2. Re-profiling and redesigning the workplace

Efficiency savings are not limited to reducing the number of positions. Efficiencies can also be made through reviewing the structure of positions and business units to ensure they are:

- most effectively supporting the delivery of the activities;
- attracting the right skills set now and into the future; and
- reducing duplication of activities.

Strategic Option 3. Reviewing systems and processes

Agencies may identify opportunities to reduce employee related costs through business process reviews, implementation of new IT systems which streamline processes, larger scale restructures, and review of relevant legislation to ensure efficiency and effectiveness.

Where there is a reduction in the services provided, or efficiency improvements implemented, some employees may be left without duties. These employees may be either placed in other positions which have not been abolished or they may elect to leave the State Service. MPSS provides tools for agencies to:

- ***Increase the rate of natural attrition***

Employees who do not have ongoing duties may be reassigned to alternative duties within their agency or via transfer to another agency, or be interested in accepting an incentive payment to leave State Service employment.

Agencies can also be more flexible when considering leave without pay applications, external secondments and reduction in working hours which will also increase the rate at which employees leave the agency/State Service, albeit for a temporary period.

- ***Manage vacant positions***

Through employee movement and natural attrition, positions will become vacant. New positions may also be needed to meet new Government initiatives. Agencies must manage Internal Agency Position Management and participate in State Service Vacancy Control processes to assist in filling positions within our existing workforce.

Every new vacancy is also an opportunity to consider:

- whether there is a genuine need to fill that vacancy/create the new position;
- the appropriateness of the role and classification;
- if it creates an opportunity into which an existing employee may be redeployed;
- suitability to target an employment group such as youth or graduates; and/or
- need for the position to be filled on a full time basis.

Tools and Guidelines

Heads of Agencies are to ensure that their agency adheres to these processes, and do not fill duties in a manner which could be reasonably construed as frustrating the intent of these processes.

Implementation of the range of strategic options is supported by the following tools:

- Internal Establishment Management, State Service Vacancy Control and redeployment;
- Targeted and Negotiated Voluntary Redundancies; and
- Workplace Renewal Incentive Program.

Vacancy Control and Redeployment

Internal Establishment Management processes

Heads of Agencies are to have well documented Internal Establishment Management processes that address:

- the management approval process for changes in agency establishment and organisational structures including the requirement for, classification of, and funding of positions;
- the allocation of working arrangements and hours of work with particular consideration of flexible work arrangements and redeployment opportunities within that agency; and notification and internal review;
- the process for determining whether an employee is to be an “Identified employee” and/or recommended for redeployment in accordance with the provisions of the case management support and training and development for Identified employees; and
- the process for considering “Identified employees” within their agency for assignment of duties to vacancies in their agency in accordance with the principles applicable for suitability assessment.

Employees should be consulted on change to staffing and establishment that is likely to affect them. The extent of any consultation process should be based on the materiality or impact of the change and the number of employees likely to be impacted by the change.

The Internal Establishment Management process is to be readily available to employees.

Identified employees

An “**Identified employee**” is a person appointed as a permanent employee as referred to in section 37(3)(a) of the *State Service Act 2000* (the Act) who has been formally advised in writing that:

- they will no longer be required to undertake the duties to which they have been assigned as from a specified date and the reason for the decision is a result of the position being Identified for abolition due to the function no longer being required or the duties no longer being required to be assigned to that position; or
- it is likely that this will occur by a specified date.

A Head of Agency must consider any special circumstances that exist in the following categories before identifying an employee who:

- has been granted a period of leave without pay or is undertaking an assignment of duties, fixed term transfer, higher duties or secondment and the employee is not returning to the duties to which they were assigned prior to commencing leave or the arrangement; or
- is unable to undertake their assigned duties due to reasons of illness, injury, workers compensation, inability, code of conduct sanction, poor performance, grievance or other industrial matter; or
- does not have assigned duties for any other reason.

Case Management

As soon as an employee is advised that they are an “Identified employee” they are to be allocated a suitably trained Case Manager by their agency. Case Managers are responsible for:

- maintaining regular contact with the employee;
- assisting the employee in identifying the duties that would be suitable to their skill set or transferrable skills, identifying redeployment considerations such as work location, working arrangements etc;
- identifying if the employee has any multiple employment in the State Service;
- providing the employee with information regarding the MPSS process;
- attending suitability assessments, if requested by the employee, and advising and discussing suitability assessment outcomes;
- liaising with the employee to identify any reasonable and appropriate training and support that may be beneficial in assisting the employee to be assigned or transferred to other duties and ensuring that the employee has a current resume that sufficiently reflects their knowledge, skills, experience and qualifications; and
- liaising with employee’s originating, manager relevant staff to identify meaningful duties which can be assigned to the employee.

Meaningful work

Until an “Identified employee” is reallocated funded duties the employee’s agency is responsible for providing the employee with “meaningful work”.

“**Meaningful work**” means the assignment of alternative unfunded duties for a specified period. The duties are to be commensurate with the employee’s skill set and/or transferrable skills or will provide an opportunity for the employee to further develop their skills.

In providing employees with “meaningful work” the duties are to be assigned in accordance with Section 34(1) of the Act for a specified period.

Assignment of Duties

Where an “Identified employee” is assessed as suitable for duties in their agency, the Head of Agency is to vary that employee’s duties in writing in accordance with the provisions of Section 34 (1)(e) of the Act.

If an employee indicates that they do not agree to being assigned duties, the employee is to advise their Case Manager the reasons for this decision. The Head of Agency (or delegate) is to consider the reasons provided by the employee and determine whether the employee will continue to be assigned to undertake the duties.

Employees may agree to being assigned duties at a lower classification level as provided by Section 38(2)(a) of the Act and subject to the salary maintenance provisions specified by MPSS.

Salary Maintenance

If an “Identified employee” agrees to being assigned to duties at a lower or different classification level, which will result in the employee receiving a reduced award salary, the employee must provide their consent in writing in accordance with Section 38(2)(a) of the Act. The employee’s salary must also be maintained at their existing award salary for a period of 12 months from the date of the assignment or transfer.

Where that “Identified employee” was in receipt of regular allowances, and has agreed to being reassigned to a position where those regular allowances no longer apply, will be paid a salary maintenance allowance for loss of regular allowances for a 12 month period.

Where that “Identified employee” was a shift worker, and has agreed to being assigned to a day work position, salary maintenance allowance for loss of penalties is to be paid for the 12 months.

State Service Vacancy Control

State Service Vacancy Control provides a mechanism for “Identified employees” to be referred and suitability assessed for “eligible vacancies” prior to vacancies being filled through external advertising processes.

An “**eligible vacancy**” is defined as all vacancies for permanent appointment and fixed term vacancies of more than 12 months that are required to be advertised in the Gazette under Employment Direction No 1. The Director, SSMO has discretion to extend the definition of “eligible vacancy” to include other vacancies to assist in the re-allocation of duties to “Identified employees”.

Eligible vacancies do not include positions or occupational groups which have been approved by the Director, SSMO as being exempt from vacancy control processes.

Heads of Agencies must ensure that all vacancies are advertised for permanent appointment unless there is genuine justifiable reason to fill the vacancy for a specified period.

If an agency is unable to fill an eligible vacancy by an “Identified employee” from within their agency the vacancy must only be filled in accordance with the provisions of State Service Vacancy Control and Employment Direction No. 1.

Unless otherwise agreed by the Director, SSMO, all agencies are to nominate Senior Human Resource employees who have a thorough knowledge of MPSS and State Service employment practices to be agency Vacancy Control Representatives. The role of agency Vacancy Control Representatives is to be the conduit between their agency, and other agencies in relation to State Service Vacancy Control and redeployment matters.

A list of all “eligible vacancies” that are submitted by agencies through the jobs website will be forwarded to agency Vacancy Control Representatives before the vacancy is advertised. Vacancy Control Representatives are to review the list of “eligible vacancies” and advise the agency in which the vacancy has occurred if an “Identified employee” will be referred for suitability assessment. The aim of the process is for suitability assessments and position filling to be undertaken in the shortest possible timeframe.

Transfers between agencies at level

Where both Heads of Agencies agree, an employee may be transferred from one agency to a vacancy in another agency at their substantive level, on either a fixed term or ongoing basis, without the need for exemption from State Service Vacancy Control.

However, the receiving Head of Agency must ensure that there is no Identified employee in their agency that should otherwise have been transferred to that vacancy, in accordance with their own Internal Establishment Management Processes.

Exemptions from State Service Vacancy Control

The Director, SSMO may exempt vacancies from Vacancy Control. Agencies can request exemption by written request from at least the agency Human Resources Manager or equivalent advising that exceptional and/or special circumstances exist in relation to specified position/s or occupational group/s such as:

- specialist skills, qualifications or award requirements are required to undertake the duties;
- unforeseen urgency in filling position/s due to legislative or service delivery requirements;
- organisation restructure which may potentially result in a new “Identified employee” or if an existing “Identified employee” was transferred to the vacancy;
- no existing “Identified employees” in the State Service would have the knowledge, skills, experience or qualifications to undertake the duties; and/or
- any other exceptional and/or special circumstance.

Any existing occupational group from State Service Vacancy Control will remain in place unless approval is withdrawn by the Director, SSMO.

Suitability Assessment

Suitability assessment is an objective evaluation of a referred “Identified employee” of the knowledge, skills, experience and qualifications against the selection criteria for the duties that are to be performed. The referred employee does not need to satisfy all the criteria to be considered as suitable for the position. Suitability is assessed on whether the employee has the potential to undertake the duties or can develop into the role with appropriate training and support within a reasonable timeframe.

In conducting the suitability assessment other factors that may be taken into account are: the employee’s capacity to physically work at the work location, hours of work or work pattern (where flexible work arrangements has been considered and determined as not viable), any specified travel or any approved pre-employment or essential qualifications, or any other reasonable matter approved by the Manager, Human Resources in which the vacancy exists.

Referral Process

Effective case management is an essential component of the suitability assessment process. Before referring an “Identified employee”, Case Managers are to have, as far as reasonably practicable, a good understanding of the requirements of the position. The Case Manager is to undertake an initial assessment as to whether:

- the employee can meet any essential qualifications required for the position;
- the employee has the potential to undertake the duties of the position having regard to the employee’s skill set or transferrable skills; and

- any other relevant factors need to be considered, for example work location and working arrangements.

The Case Manager is to discuss the referral with the employee and take into consideration any other factors prior to formally referring the employee for suitability assessment.

A formal referral is to be made by the employee's Case Manager to the vacancy control representative in the vacancy agency with details of:

- the Identified employee's name and contact details;
- the vacancy for which the employee is being referred; and
- a current copy of the employee's resume.

Employees may need to provide information specifically addressing the selection criteria in the following circumstances:

- the suitability assessment panel consider that the employee's resume does not provide a sufficient level of detail in respect to the requirements of the position;
- more than one person has been referred to the vacancy and the panel considers that such information may be beneficial in assisting with the assessment; or
- the referred employee chooses to provide such information.

If a referred employee is requested to provide additional information, brief dot points addressing the selection criteria should be sufficient.

Employee Participation

Employees who are referred for suitability assessment are expected to actively and positively participate in the process by:

- ensuring that their resume is current and accurately reflects their knowledge, skills, experience and qualifications;
- providing any other requested and appropriate documentation;
- attending the suitability assessment meeting; and
- participating in training and development.

Employees may request that their Case Manager accompanies them to the suitability assessment in a support role.

Suitability Assessment Panel

At a minimum, suitability assessment panels are to consist of the direct manager or supervisor of the vacancy and an appropriate representative of the HR Branch or a person in the agency in which the vacancy exists that has a good understanding of the suitability assessment process in the context of MPSS. Consideration must also be given to any conflicts of interest.

Where a panel member (including the direct manager or supervisor) considers that a conflict of interest exists or could be perceived to exist, they are to discuss the conflict of interest with the HR Manager and if appropriate put in place procedures to avoid or manage the conflict.

The role of the suitability assessment panel is to make a recommendation to the Head of Agency (or delegate) as to whether the referred employee is suitable to be assigned or transferred to the position.

In conducting the suitability assessment the panel is to assess the employee's capability to perform the duties of the position, as outlined above, using only:

- the employee's resume or other documentation;
- the employee's responses at a face to face meeting;
- any information provided by appropriately nominated and contacted referees; and
- where deemed appropriate for a suitability assessment, any other assessment of skills and ability directly relevant to the role.

At least one referee report should be obtained where the panel has assessed the employee as unsuitable, to support the panel's assessment.

Desktop assessments may only be conducted when the panel is confident that there is sufficient information to make an informed decision.

Suitability Assessment Recommendation and Approval

The suitability assessment panel is to make a recommendation to the Head of Agency (or delegate) as to whether the referred employee is suitable for the position. The Head of Agency (or delegate) is to consider the panel's recommendation and other relevant factors.

The approved suitability assessment report is to be forwarded to the referred employee's Case Manager who is to advise the referred employee of the outcome of the assessment. The referred employee may request and be provided with a copy of the suitability assessment report.

Multiple Referrals and Review provisions

Where more than one employee has been referred to the same vacancy, the suitability assessment panel is to complete a separate suitability assessment report for each referred employee. Where more than one employee is assessed as suitable for the vacancy, the suitability assessment panel is to rank the employees in order of the most suitable and justify the reasons for their decision.

If more than one employee is referred to a permanent vacancy and an employee has been found suitable, the selection of that person will be subject to review in accordance with the provisions of Section 50(1)(a) of the Act and the other referred employees are to be notified of this.

Trial Placements

Where the suitability assessment panel and/or the Head of Agency (or delegate) in the vacancy agency has sound reason, the employee may be transferred to the agency for a trial period of three months, in accordance with Section 41(2) of the Act. A development plan must be put in place by the vacancy agency, in consultation with the employee and their Case Manager, prior to the employee commencing employment.

The development plan must specify the areas for development which directly relate to the position, the selection criteria as specified in the statement of duties and as identified in the Suitability Assessment Report. The employee is to be provided with appropriate induction, training and development, support and regular feedback throughout the trial period. A formal written assessment is to be undertaken at regular intervals throughout the trial period such as:

- 2 weeks after commencement
- 6 weeks after commencement
- 10 weeks after commencement

If within a reasonable period of time, the employee is not meeting the required standard of performance, consultation is to occur with the employee's originating agency Case Manager. The purpose of the consultation is to discuss any other action that needs to be taken.

The trial period cannot be brought to an end earlier than specified, or extended without the agreement of the vacancy agency, employee's originating Head of Agency (or delegate) and the employee.

At the conclusion of the trial period the employee is to be transferred to the vacancy agency unless the employee's originating Head of Agency (or delegate) is satisfied that there are justifiable reasons not to continue with the transfer. Any dispute regarding the arrangement is to be negotiated between the agencies.

Training and Development Funding

Where an employee is assessed as suitable for transfer or suitable for transfer for a trial period, and training and development is identified which is outside that which would normally be provided for a newly recruited employee, the referring agency is to provide agreed funding to the vacancy agency.

The amount of agreed funding is to be negotiated between the agencies up to a maximum of \$5 000. In negotiating the funding the vacancy agency is to specify the type of training and development that is required, how and when the training will be delivered, and the specific costs associated with providing the training.

Voluntary Transfers

Where an "Identified employee" is assessed as suitable for duties in another agency the employee is to be transferred to that agency in accordance with the provisions of Section 41 of the Act providing the employee agrees to the transfer.

In accordance with Section 41(1) of the *State Service Act 2000* the transfer is to be at a salary level not higher than the salary level of the employee before the transfer. Employees may be transferred to a position under a different award or agreement where the employee's salary does not align exactly to a salary level within that award or agreement. In such cases the employee is to be transferred to a "similar salary level" as determined by the Director, SSMO.

Employees may agree to being assigned duties at a lower classification level as provided by Section 38(2)(a) of the Act and subject to the salary maintenance provisions specified in this document.

The receiving Head of Agency is to arrange for a transfer agreement to be prepared in accordance with the provisions of either Section 41(1) or Section 41(2) of the Act depending on whether or not the transfer is to be for a specified period.

Unless otherwise agreed between all parties, the transfer is to take effect within 21 calendar days from the date the employee was notified that they were suitable for the duties.

If the transfer is for a specified period, the employee will return to their originating agency on the completion of the transfer unless all parties agree otherwise.

Compulsory Transfer

If an "Identified employee" is assessed as suitable for duties in another agency but the employee does not agree to a voluntary transfer in accordance with Section 41 of the Act, the Director SSMO, under delegation from the Head of the State Service, may in accordance with Section 42 of the Act, compulsorily transfer the employee from one agency to another to duties having a similar salary level.

In considering whether an employee is to be compulsorily transferred the Director, SSMO will:

- assess whether the employee can reasonably be required to perform the duties having regard to their knowledge, skills, qualifications and experience; and
- consider any concerns that the employee, transferring agency and receiving agency, may have in respect to being compulsorily transferred.

Section 47 Redeployment

If a Head of Agency considers a permanent employee employed in the Agency to be surplus to the requirements of the Agency, the Head of Agency is to follow the process prescribed by Section 47 of the State Service Act, and any supporting guidelines issued by the Head of the State Service for that employee to be made available for redeployment.

Targeted and Negotiated Voluntary Redundancies

Overview

Targeted and Negotiated Voluntary Redundancy (TNVR) is a tool that is available to assist Heads of Agencies to manage their workforce to meet business operational requirements and reduce future employee related expenses.

A TNVR payment may be used to assist “Identified employees” to voluntarily leave their State Service employment provided the specified criteria can be met.

TNVRs may also be used where a major restructure is required. In these cases expressions of interests are called from those employees who will be directly affected, without individual employees having to be specifically identified.

General expressions of interest are not to be generally advertised in an agency, except in cases where a major restructure is required in which case expressions of interest may be called from those affected employees.

TNVRs negotiated or offered to employees under other circumstances require a strong demonstrated business case supported by the Head of Agency.

TNVR Business Case

Heads of Agencies may approve a TNVR payment to an “Identified employee” if a business case has been completed using the provided template that fully justifies, to the Head of Agency’s satisfaction, the reasons for the payment, including:

- why the position has been identified for abolition;
- details of action that has been taken to consider the employee for re-assignment or transfer to other duties and/or why it is unlikely that this will be possible within a reasonable period of time;
- details of advice that has been sought from the Office of the Director for Public Prosecutions in relation to any workers compensation or other relevant matters relating to the employee;
- that any multiple employment arrangements have been identified and addressed;
- that the employee has indicated their interest in being considered for a TNVR;
- the employee has been in the position that is being abolished for at least six months; and
- the recurrent savings and payback period.

There is no requirement for:

- A Head of Agency to offer an “Identified employee” a TNVR where the Head of Agency considers that it is likely that the employee can be assigned or transferred to other duties and/or there is no cost benefit to the agency.
- A Head of Agency to offer an “Identified employee” a TNVR payment if there is a record that the employee has previously declined the offer.

TNVR payments are to be funded within the agency’s budget allocation, unless alternative arrangements have been agreed by the Secretary, Department of Treasury and Finance.

Major Restructures

Agencies are not to call for general expressions of interest from employees in targeted or negotiated voluntary redundancies. However, where an agency, or part of that agency, is undergoing a major restructure, Heads of Agencies may call for expressions of interest from employees who are immediately and directly affected by the restructure.

Prior to calling for expressions of interest, agencies must be clear about the scope and intent of the restructure, identify specific groups of employees who will be directly affected by the restructure and likely to be left without duties to undertake, and have commenced consultation with employees about the proposed restructure.

When calling for expressions of interest agencies must clearly communicate:

- which employees are affected and how;
- the anticipated number of FTEs that will be offered TNVRs;
- the criteria to be used when assessing expressions of interest; and
- time frame for responding to all expressions of interest.

In assessing expressions of interest, the Head of Agency is to take into account:

- the cost benefit for paying the TNVR;
- the capacity of the agency to abolish the position held by that employee;
- the employee has been in the position that is being abolished for at least six months;
- the capacity of the agency to pay for the TNVR; and
- the probability of redeployment of that employee.

Any restructure must comply with the consultation requirements under the *State Service Act 2000* and relevant awards.

Negotiated Redundancies

In special and exceptional circumstances, Heads of Agencies may negotiate a TNVR payment with an employee who is not an "Identified employee" providing:

- the employee approaches the agency to be considered for a negotiated TNVR payment and the employee is able to provide justifiable reasons as to why the position they occupy could be abolished and provide a cost saving to the agency;
- the employee has occupied the position that is to be abolished for a period greater than six months;
- the Head of Agency determines that the position could justifiably be abolished;
- the amount of the TNVR payment is less than what the employee would have ordinarily been entitled to receive;
- there is a business operational and cost benefit to the agency in providing the employee with a negotiated TNVR payment; and
- a business case has been approved by the Head of Agency before any TNVR payment is provided to the employee.

Workers' compensation and other employee related matters

An employee who is incapacitated due to an injury or illness and it is unlikely that the employee will be able to return to their pre-injury hours or duties, depending on the circumstances of the incapacity, is to be managed in accordance with the provisions of applicable legislation such as *Workers Rehabilitation and Compensation Act 1988*, *State Service Act 2000* and/or *Retirement Benefits Act 1993*.

A Head of Agency must arrange for advice to be obtained from the Office of the Director of Public Prosecutions before offering a TNVR payment to an employee if the employee:

- is incapacitated due to a workers compensation injury and it is likely that the employee will be able to return to their pre-injury hours and duties;
- has an active unresolved workers compensation injury; or
- has an outstanding work related matter that is or is likely to cause a liability issue for the Crown.

The purpose of obtaining advice from the Office of the Director of Public Prosecutions prior to offering a TNVR payment to the employee is to include seeking advice in relation to:

- resolving any workers compensation and employee related matters;
- any common law action that may be taken by the employee; and
- mitigating any liability issues for the Crown.

TNVR Payment Value and Calculations

TNVR payments are based on an employee's total continuous full-time equivalent employment, "years of service" as defined. The value of the TNVR is:

1. 4 weeks salary (pro-rata calculation for part-time employees) plus 2 weeks salary for each "year of service" up to a maximum total TNVR payment of 48 weeks salary.
2. The minimum total TNVR payment for a full-time employee is 16 weeks' salary. The minimum total TNVR payment for a part-time employee is the greater of the calculation specified in "1" above or a payment based on 16 weeks at the employee's part-time weekly salary.

Four week TNVR component

1. Full-time employees are to receive the full four week salary component.
2. Part-time employees are to receive a payment based on four weeks salary x by the greater of the following:
 - the employee's full-time equivalent percentage based on the employee's contracted hours of employment as at the date of separation; or
 - the employee's full-time equivalent percentage based on the average hours worked in the 12 months period immediately prior to the date of separation.

Employees who are offered a TNVR payment must be provided with both gross and net amounts to assist them in their decision making.

"Years of Service" means continuous full-time equivalent permanent or fixed term employment with the Crown subject to the following:

1. Permanent employment includes full-time and part-time employment. Fixed term employment includes full-time, part-time and casual employment.
2. Any break in service less than three months and/or any period of leave without pay in excess of twenty working days during the period of service is not deemed to affect continuity of service however it does not count towards calculating full-time equivalent years of service.
3. Periods of secondment outside the Tasmanian State Service greater than three months in duration (except with a public sector union under the provisions of a registered award or agreement) is not deemed to affect continuity of service but does not count towards calculating full-time equivalent years of service.
4. Any periods of employment with the Crown for which a previous redundancy, termination, severance or WRIP payment has been made does not count towards calculating the employee's continuous full-time equivalent years of service.
5. In the case of a female employee who, as a requirement under State legislation prevailing at that time, was obliged to resign her employment with the Employing Authority due to marriage or childbirth, such previous continuous service shall be counted toward calculating full-time equivalent service. It is the responsibility of the employee to provide satisfactory evidence of their previous service.

The Director, SSMO may deem that ineligible service is to be counted towards calculating full-time equivalent service on receipt of documentation from a Head of Agency substantiating that exceptional circumstances exist or that a legal arrangement relevant to that service applied to the transfer of services or staff.

Full-time equivalent years of service means:

1. The employee's hours of work during the period of continuous employment (including any periods of paid leave, leave without pay of less than 20 working days and additional hours but excluding any payment for hours worked as overtime or leave without pay exceeding 20 working days).
2. Divided by the ordinary full-time hours of work for the same period.

The Crown means the Crown in the Right of Tasmania as specified below:

- A Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the *State Service Act 2000*.
- The Tasmanian Police Service.
- Any member of the Tasmanian House of Assembly or Tasmanian Legislative Council.
- The Excellency the Governor.

Example TNVR calculation: Full-time employee who has always worked full-time

Years of Service commencement date: 20/1/1990 Cessation date: 30/6/2015

Years of Service: 25 years and 162 days (25.44 years)

Full-time Equivalent Award Salary: \$62 000

Four week component: 4 weeks + (25.44 × 2 weeks) = 54.88 weeks

Total TNVR payment will be 48 weeks which is the maximum.

$\$62\,000 \div 52 \text{ weeks} \times 48 \text{ weeks} = \text{Total TNVR payment of } \$57\,230.77$

Example TNVR calculation: Part-time employee who has full-time and part-time employment

Employee was full-time and commenced part-time employment at 0.6 FTE on 1 June 2015

Years of service commencement date: 1/10/2012 Cessation date: 30/10/2015

Years of Service: 2.91

Full-time Equivalent Award Salary: \$62 000.

4 week component – As the employee has had a combination of full-time and part-time employment in the 12 month period immediately prior to the cessation date it is necessary to determine the average FTE during this time.

31/10/2014 – 31/5/2015 – FTE 100% - worked 1 109.85 hours

1/6/2015 – 30/10/15 – FTE 60% - worked 485.10

Total hours worked = 1 594.95 = FTE of 83.14% ($1\,594.95 \div \text{Full-time hours } 1\,918.35$)

Therefore the employee would be entitled to 4 weeks \times 83.14% = 3.33 weeks

As the employee is part-time, the employee is entitled to the greater of the two following calculations.

Calculation 1

3.33 weeks + (2.91 \times 2 weeks) = 9.15 weeks

$\$62\,000 \div 52 \times 9.15 = \$10\,909.62$

Calculation 2

$\$62\,000 \div 52 \times 60\%$ (employees current FTE) \times 16 weeks (minimum TNVR payment) =
\$11 446.15

Therefore the employee would be entitled to receive a TNVR payment based on calculation 2 as it is the greater of the two calculations.

Definition of Salary

For the purposes of calculating TNVR payments salary is defined as:

- The classification salary point applicable to the employee's permanent appointment at the time of separation.
- Any higher duties allowance or more responsible duties allowance as at the date of separation providing the employee has been in receipt of that allowance for a continuous period of at least 12 months.
- Any other award related allowances not provided above which the employee would receive if they were absent on recreation leave.

If further information is required in respect to the definition of salary and the inclusion of specific allowances the matter is to be referred to the Director, SSMO by emailing managing.positions@dpac.tas.gov.au

Salary Divisor

For the purposes of calculating TNVR payments the employee's salary as defined is to be divided by 52.

Notification arrangements

Although a TNVR is a voluntary payment to assist "Identified employees" in specific circumstances, to leave their State Service employment it is important that employees are provided with an appropriate period of time to consider the offer, seek superannuation, taxation and financial advice and separate from their employment. Unless otherwise agreed between the employee and the Agency, employees are to be provided with a minimum of 21 calendar days to enable them to consider the offer and seek appropriate advice.

At a minimum the written notification to the employee must specify:

- the separation date;
- TNVR payment amount (gross and net amounts);
- leave payment amounts (gross and net amounts);
- the employment exclusion period;
- recommendation for the employee to obtain their own financial, superannuation, taxation advice;
- date on which the employee is to advise the employer of their decision;
- a deed of release for the employee's signature indicating their acceptance of the offer; and
- the name and contact details of the person the employee can contact if they have any queries regarding the offer. This person must have a thorough understanding of the TNVR.

Agencies must **not** provide employees with superannuation, taxation and financial advice or provide information or comment on the suitability or effectiveness of any arrangement, scheme or provider.

Accrued Leave Entitlements

An employee who accepts a TNVR payment is entitled to receive payment for any accrued and unused recreation leave, purchased leave and long service to which the employee may be entitled under the provisions of the relevant award and long service leave legislation. Subject to award provisions, employees may also be entitled to leave loading. The payment of these leave entitlements do not form part of the TNVR payment.

Employment Exclusion Period

Employees who accept a TNVR payment must agree to not seek or accept any employment in any capacity or seek or accept to directly provide consultancy services to the Crown, as defined, from the date of their cessation of employment for the period equivalent to the number of weeks applicable to their TNVR payment rounded up to the nearest whole number of weeks.

Example: Employment Exclusion period

An employee receives 22.98 weeks TNVR payment. The employment exclusion period is rounded up to 23 weeks.

An employee receives 34.25 weeks total TNVR payment. The employment exclusion period is rounded up to 35 weeks.

“Employment Exclusion period” means that the employee agrees not to seek or accept:

- any employment in any capacity with the Crown; or
- any appointment as a consultant providing consultancy services to the Crown.

The Crown means the Crown in the Right of Tasmania and includes for the purposes of a TNVR Deed of Release to include employment or appointment as outlined above for:

- A Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the *State Service Act 2000*.
- The Tasmanian Police Service.
- Any member of the Tasmanian House of Assembly or Tasmanian Legislative Council.
- The Excellency the Governor.

In respect to undertaking consultancy services the following information is provided:

- The engagement of a company or organisation from the private sector to undertake consultancy or contract work for the Crown is not prohibited, even though that company or organisation may employ former State Service employees who have separated under a TNVR. This arrangement is considered to be within the provisions of the Deed of Release as it does not relate to a direct contractual relationship with the former employee and the Crown.
- The engagement would however be prohibited if a former State Service employee is the owner, either solely or jointly, of the company or organisation or where it is considered that the former employee has entered into a business arrangement in order to circumvent the provisions of the Deed of Release, for example by placing the company ownership in the control of another person.

In exceptional circumstances the Director, SSMO may provide approval to waive, reduce or vary the exclusion period where special or extraordinary circumstances exist. The Head of Agency in which the re-employment, consultancy or contract work is to be undertaken is to submit a request in writing to the Director, SSMO outlining:

- the specialist nature of the work to be undertaken;
- the reasons why it is necessary for the former employee to undertake the work;
- what action has been taken to determine if there is any cost effective alternative to the re-employment or engagement of the former employee; and
- the duration of the proposed arrangement.

A former employee who, without approval from the Director, SSMO, undertakes employment or consultancy work for the Crown prior to the expiry of the exclusion period is to be terminated and incur a penalty in accordance with the provisions of the Deed of Release. The penalty may only be waived or varied by the Director, SSMO.

Deed of Release

The offer and acceptance of a TNVR payment is not deemed to be binding until a Deed of Release (Deed) which is a legal document is signed by the employee and the Head of Agency (on behalf of the Crown) and the signatures are witnessed. The Deed of Release template is maintained and issued to agencies by the Director, SSMO. The Deed of Release must not be varied unless approved by the Director, SSMO.

In summary the Deed specifies that the employee's employment is terminated by reason of redundancy and sets out the terms and conditions of the agreement including the:

- amount of the TNVR payment;
- cessation of employment date; and
- employment exclusion period;

The Deed of Release does not include:

- superannuation entitlements;
- payment for any recreation and long service leave; or
- payment for leave loading - where applicable.

TNVR Funding, recurrent savings and payback period

Heads of Agency must:

- fund all TNVR separation costs or make the necessary arrangements with Department of Treasury and Finance for such funding;
- ensure that there is a cost benefit to the agency in providing TNVR payments; and
- determine an appropriate length of time for the payback period which is in accordance with the agency's capacity to manage the TNVR cost within its existing budget and forward estimates.

The recurrent savings are calculated by multiplying the employee's full-time award salary by their FTE percentage.

Example: Recurrent savings

If a full-time employee's award salary is \$70 555 per annum, this is the recurrent savings for the 12 months commencing from the employee's cessation date ie ($\$70\,555 \times 100\%$)

If a part-time employee is working 0.6 FTE, and the full-time award salary is \$70 555 per annum, the recurrent savings for 12 months will be \$42 333 ie ($\$70\,555 \times 60\%$).

The payback period is calculated by dividing the total amount of the TNVR by the recurrent savings.

Example: Payback period

If the employee's total TNVR payment is \$65 127.69 and the recurrent saving is \$70 555 the payback period will be 0.92 of a year ie ($\$65\,127.69 \div \$70\,555$).

Position Abolition

Heads of Agencies are to have processes in place for positions to be abolished from the agencies Pay/Personnel systems and establishment at the time the employee's TNVR payment is processed or no later than fourteen calendar days from that date.

Heads of Agencies must also ensure that a position at the same or similar classification level is not created or an existing vacant position is not re-profiled for the purpose of assigning the duties of an abolished position to that position.

Processing of TNVR, leave and superannuation payments

Heads of Agencies are to have in place arrangements for employees to be paid their TNVR payment and relevant leave payments on the next available normal pay day following their cessation of employment. This provision is specified in the Deed of Release.

The payment of superannuation benefits is a matter for the employee's superannuation fund. Any superannuation benefits to which the employee may be entitled will be provided to the employee in accordance with applicable superannuation legislation and the requirements of their superannuation provider.

Documentation and Provision of Information

Heads of Agencies are to ensure that documentation is retained in accordance with legislative requirements and their agency's approved records management system. Documentation is to be made available to the Director, SSMO for examination or review if requested.

Crown employees must not release any information to a third party in relation to employees who have accepted a TNVR payment without the employee's written consent unless the information:

- is required to be released by law;
- relates to an official request from another Crown agency in respect to an employment exclusion period; or
- has direct relevance to the employee undertaking the duties for which they are employed.

Workforce Renewal Incentive Program (WRIP)

Overview

The Workforce Renewal Incentive Program (WRIP) is a tool that is available to assist Heads of Agencies to manage their workforce to meet business operational requirements. WRIP payments may be used to provide an incentive to encourage permanent employees to voluntarily leave their State Service employment if an opportunity is provided to:

- re-profile the position; or
- renew and/or re-profile the demographic/skill set of the occupational group; or
- enable an "Identified employee" to be assigned or transferred to those duties.

Conducting a WRIP

Heads of Agencies must only conduct a WRIP where there is a specific demonstrated need through their workforce planning, to re-profile their agency. The re-profiling, and therefore the WRIP, may be limited to a specific business unit, demographic group or set of skills.

Heads of Agencies are to report to Director, SSMO on any active WRIP.

WRIP payment approval criteria

Heads of Agencies can only approve WRIP payments for permanent employees where a business case has been completed that details:

- how the position will be re-profiled to better meet business operational requirements specifying why this cannot be reasonably achieved without providing a WRIP payment; or
- how the position will be filled by an "Identified employee";
- the expected timeframe for filling the position to ensure that the position is filled within a period of six months from the date the previous employee ceased employment;
- details of advice that has been sought from the Office of the Director for Public Prosecutions in relation to any workers compensation or other relevant matters relating to the employee;
- that any multiple employment arrangements meets the provisions applicable to being able to offer the employee a WRIP payment;
- that the WRIP payment can be met within the agency's existing budget; and
- any cost saving that will be achieved.

Employees must not be provided with a formal offer of a WRIP payment unless the business case has been approved by the Head of Agency and the specified process and timeframes have been complied with.

Re-profiling means changes that cannot reasonably be achieved without providing the employee with a WRIP payment. Such changes include:

- changing working arrangements and/or the way in which duties are undertaken;
- reviewing and revising duties and/or the classification of duties;
- recruiting an employee with a new set of skills, knowledge and experience including, but not limited to, diversity groups, youth, cadets or graduates; and
- any other change in working arrangements and duties which does not meet the requirements for the provision of a TNVR payment.

Position Re-profiling and position filling

Heads of Agencies must ensure that if an employee was provided with a WRIP payment for the purpose of re-profiling the position, the position is to be re-profiled and filled within a period of six months from the date on which the employee ceased employment.

Where an employee was provided with a WRIP payment for the purpose of filling the position with an "Identified Employee" this must occur within a period of six months from the date the employee ceased employment.

Heads of Agencies must ensure that appropriate records are maintained of the action that has been taken to re-profile and fill positions for all positions for which a WRIP payment has been made.

WRIP Payment Provisions

WRIP payments are to be based on an employee's total continuous full-time equivalent employment, "years of service" as defined multiplied by \$1 000. The minimum payment is \$1 000 and the maximum payment is \$30 000. WRIP payments may be negotiated outside of this arrangement provided that:

- the payment does not exceed \$30 000; and
- the business case justifies:
 - the overall benefit to the agency;
 - that consistency within the agency has been applied; and
 - the discussions that have taken place with the employee in determining the final payment.

“Years of Service” means continuous full-time equivalent permanent or fixed term employment with the Crown subject to the following:

1. Permanent employment includes full-time and part-time employment. Fixed term employment includes full-time, part-time and casual employment.
2. Any break in service of not more than three months and/or any period of leave without pay in excess of twenty working days during the period of service is not deemed to affect continuity of service however it does not count towards calculating full-time equivalent years of service.
3. Periods of secondment outside the Tasmanian State Service greater than three months in duration (except with a public sector union under the provisions of a registered award or agreement) is not deemed to affect continuity of service but does not count towards calculating full-time equivalent years of service.
4. Any periods of employment with the Crown for which a previous redundancy, termination, severance or WRIP payment has been made does not count towards calculating the employee's continuous full-time equivalent years of service.
5. In the case of a female employee who, as a requirement under State legislation prevailing at that time, was obliged to resign her employment with the Employing Authority due to marriage or childbirth, such previous continuous service shall be counted toward calculating full-time equivalent service. It is the responsibility of the employee to provide satisfactory evidence of their previous service.

The Director, SSMO may deem that ineligible service is to be counted towards calculating full-time equivalent service on receipt of documentation from a Head of Agency substantiating that exceptional circumstances exist or that a legal arrangement relevant to that service applied to the transfer of services or staff.

Full-time equivalent years of service means:

1. The employee's hours of work during the period of continuous employment (including any periods of paid leave, leave without pay of less than 20 working days and additional hours but excluding any payment for hours worked as overtime or leave without pay exceeding 20 working days).
2. Divided by the ordinary full-time hours of work for the same period.

The Crown means the Crown in the Right of Tasmania as specified below:

- A Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the *State Service Act 2000*.
- The Tasmanian Police Service.
- Any member of the Tasmanian House of Assembly or Tasmanian Legislative Council.
- The Excellency the Governor.

Workers' compensation and other employee related matters

Employees are not to be offered a WRIP payment if the employee is incapacitated due to an injury or illness and it is unlikely that the employee will be able to return to their pre-injury hours or duties. Depending on the circumstances of the incapacity such matters are to be managed in accordance with the provisions of applicable legislation such as *Workers Rehabilitation and Compensation Act 1988*, *State Service Act 2000* and/or *Retirement Benefits Act 1993*.

A Head of Agency must arrange for advice to be obtained from the Office of the Director of Public Prosecutions before offering a WRIP payment to an employee if the employee:

- is incapacitated due to a workers compensation injury and it is likely that the employee will be able to return to their pre-injury hours and duties;
- has an active unresolved workers compensation injury; or
- has an outstanding work related matter that is or is likely to cause a liability issue for the Crown.

The purpose of obtaining advice from the Office of the Director of Public Prosecutions prior to offering a WRIP payment to the employee is to include advice in relation to:

- resolving any workers compensation and employee related matters;
- any common law action that may be taken by the employee; and
- mitigating any liability issues for the Crown.

Superannuation, taxation and financial advice

Where an employee is considering accepting a WRIP payment it is recommended that they obtain their own superannuation, financial and taxation advice. Unless otherwise agreed between the employee and the agency, employees must be provided with a minimum of 21 calendar days in which to seek appropriate advice and make a decision whether or not to accept the offer of a WRIP payment. An employee may request to extend this period where they are able to demonstrate that genuine attempts have not been successful in obtaining appropriate advice.

Agencies must not provide employees with superannuation, taxation and financial advice or provide information or comment on the suitability or effectiveness of any arrangement, scheme or provider.

Separation Timeframe

Unless otherwise agreed between the employee and the agency, a period of 14 calendar days must be allowed for the employee to separate from the agency from the date they were required to accept the offer of a WRIP payment.

Accrued Leave Entitlements

An employee who accepts a WRIP payment is entitled to receive payment for any accrued and unused recreation leave and long service to which the employee may be entitled under the provisions of the relevant award or long service leave legislation. Subject to award provisions, employees may also be entitled to leave loading. The payment of these leave entitlements do not form part of the WRIP payment.

Employment Exclusion Period

Employees who accept a WRIP payment must agree to not seek or accept any employment in any capacity or seek or accept to directly provide consultancy services to the Crown, as defined, for a period of 12 months from the date of their cessation of employment.

“Employment Exclusion period” means that the employee agrees not to seek or accept:

- any employment in any capacity with the Crown; or
- any appointment as a consultant providing consultancy services to the Crown.

The Crown means the Crown in the Right of Tasmania and includes for the purposes of a WRIP Deed of Release to include employment or appointment as outlined above for:

- A Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the State Service Act 2000.
- The Tasmanian Police Service.
- Any member of the Tasmanian House of Assembly or Tasmanian Legislative Council.
- The Excellency the Governor.

In respect to undertaking consultancy services the following information is provided:

- The engagement of a company or organisation from the private sector to undertake consultancy or contract work for the Crown is not prohibited, even though that company or organisation may employ former State Service employees who have separated under a WRIP. This arrangement is considered to be within the provisions of the Deed of Release as it does not relate to a direct contractual relationship with the former employee and the Crown.
- The engagement would, however, be prohibited if a former State Service employee is the owner, either solely or jointly of the company or organisation or where it is considered that the former employee has entered into a business arrangement in order to circumvent the provisions of the Deed of Release for example by placing the company ownership in the control of another person.

In exceptional circumstances the Director, SSMO may provide approval to waive, reduce or vary the exclusion period where special or extraordinary circumstances exist. The Head of Agency in which the re-employment, consultancy or contract work is to be undertaken is to submit a request in writing to the Director, SSMO outlining:

- the specialist nature of the work to be undertaken;
- the reasons why it is necessary for the former employee to undertake the work;
- what action has been taken to determine if there is any cost effective alternative to the re-employment or engagement of the former employee; and
- the duration of the proposed arrangement.

A former employee who, without approval from the Director, SSMO, undertakes employment or consultancy work for the Crown prior to the expiry of the exclusion period is to have their employment be terminated and incur a penalty in accordance with the provisions of the Deed of Release. The penalty may only be waived or varied by the Director, SSMO.

Deed of Release

The offer and acceptance of a WRIP payment is not deemed to be binding until a Deed of Release "Deed" which is a legal document is signed by the employee and the Head of Agency (on behalf of the Crown) and the signatures are witnessed. The Deed of Release template is maintained and issued to agencies by the Director, SSMO. The Deed of Release must not be varied unless approved by the Director, SSMO.

In summary, the Deed specifies that the employee's employment is terminated by reason of redundancy and sets out the terms and conditions of the agreement including the:

- amount of the WRIP payment;
- cessation of employment date; and
- employment exclusion period.

The Deed of Release does not include:

- superannuation entitlements;
- payment for any recreation and long service leave; or
- payment for leave loading - where applicable.

Processing of WRIP, leave and superannuation payments

Heads of Agencies are to ensure that arrangements are in place for employees to be paid their WRIP payment and relevant leave payments on the next available normal pay day following their cessation of employment. This provision is specified in the Deed of Release.

The payment of superannuation benefits is a matter for the employee's superannuation fund. Any superannuation benefits to which the employee may be entitled will be provided to the employee in accordance with applicable superannuation legislation and the requirements of their superannuation provider.

WRIP payment process and timeframes

Expressions of interest must only be sought as specified in the "Application to Conduct a WRIP". In seeking expressions of interest, at a minimum, employees are to be:

- provided with a copy of relevant WRIP information;
- advised to seek their own superannuation, taxation and financial advice;
- advised the period in which expressions of interest are to be submitted;
- advised the process for determining if a WRIP payment can be offered to employees; and
- advised the date on which it is expected that employees will be advised of the outcome of their expression.

If a WRIP payment cannot be supported employees are to be advised in writing the reason for the decision and the name and contact details of who they may contact to discuss the matter.

Where a business case is approved by the Head of Agency to offer an employee a WRIP payment unless otherwise agreed between the employee and the Agency, employees are to be provided with a minimum of 21 calendar days to enable them to consider the offer and seek appropriate advice.

At a minimum, the following information is also to be provided to the employee in writing:

- WRIP payment amount (gross and net amounts);
- leave payment amounts (gross and net amounts);
- that a 12 month employment exclusion period will apply;
- that they should seek their own financial, superannuation and other any relevant advice prior to making a decision to accept or not accept the offer;
- that a WRIP payment is not regarded or treated as a redundancy;
- the date on which the employee is to advise the agency of their decision. Unless otherwise agreed between the employee and the agency, employees are to be provided with a reasonable period of time in which to seek appropriate advice and make a decision;

- a Deed of Release for the employee's signature indicating their acceptance of the offer;
- the cessation date. Unless otherwise agreed between the employee and agency the cessation date is to be no less than 14 calendar days after the date on which the employee is to advise whether or not they are accepting a WRIP payment; and
- the name and contact details of the person the employee can contact if they have any queries regarding the offer. This person must have a thorough understanding of the WRIP.

Documentation and Provision of Information

Heads of Agencies must ensure that:

- appropriate documentation is maintained detailing the action that has been taken to re-profile and fill positions; and
- documentation is retained in accordance with legislative requirements and their agency's approved records management system. Documentation is to be made available to the Director, SSMO for examination or review if requested.

Crown employees must not release any information to a third party in relation to employees who have accepted a WRIP payment without the employee's written consent unless the information:

- is required to be released by law;
- relates to an official request from another Crown agency in respect to an employment exclusion period; or
- has direct relevance to the employee undertaking the duties for which they are employed.

Reporting

On a monthly basis, agencies will provide the following information to SSMO, in a format that is defined by SSMO and may be varied from time to time:

- Paid FTE at the last pay period of the month, split by permanent full time, permanent part time, fixed term and casual.
- Details of 'Identified employees' including age, gender, classification, occupational group, suitability assessment referrals and outcomes and cessation details.
- Details of each approved TNVR: payment amount including years of service quantum and any other payment, employee's name, age, gender, classification, cessation date, employment exclusion period, position title and position number, recurrent savings and payback periods; approval date for business case and Deed of Release.
- All positions abolished, including position title, position number, classification, name of last occupant, date last occupied, period occupied, abolition date and whether the last occupant received a TNVR.
- WRIPs offered including details of divisions, branches and/or groups of employees eligible and the start and end dates of the offer period.
- Details of each approved WRIP payment approved including payment amount, years of service, employee's name, age, gender, classification, cessation date, employment exclusion period, position title and position number, re-profiling and filling action to be taken and timeframe for this.
- Senior Executive Service FTEs and head counts (filled and vacant).
- Full details of referrals for suitability assessments made, including employee name, position title and number, date of referral and assessment, outcome of assessment (permanent placement, trial placement, not suitable etc) and date finalised.

Heads of Agencies are also to ensure that detailed records of the following are maintained within their agency to enable reporting to be provided at any point in time and at short notice (48 hours) to Cabinet, Budget Committee, and SSMO and for any other approved purpose.

- Approved FTE establishment, occupied FTE's and paid FTEs.
- Expressions of interest received for WRIP payments (pending approval/non approval).
- Confirmed date of filling action taken in relation to a WRIP payment.

Transitional arrangements

Where negotiations are substantially underway, or offers were made to an employee for TNVR or WRIP prior to 11 April 2016, the MPSS (2014) guidelines are still to apply.

Definitions

Phrase	Definition
Act	<i>State Service Act 2000</i> unless otherwise specified.
Agency	Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the <i>State Service Act 2000</i> .
Case Manager	A person who has a thorough knowledge of Managing Positions in the State Service and State Service employment provisions and is able to effectively provide “Identified employees” with appropriate advice, guidance and support.
Director, SSMO	The Director, State Service Management Office. All functions and powers assigned in this document are under authorisation of the Head of the State Service and may also be executed by the Deputy Director, State Service Management Office.
Eligible vacancy	<p>All vacancies for permanent appointment and fixed term vacancies of more than 12 months that are required to be advertised in the Gazette as provided by Employment Direction No 1. The Director, SSMO has discretion to extend the definition of “eligible vacancy” to include other vacancies to assist in the re-allocation of duties to “identified employees”.</p> <p>Eligible vacancies do not include positions or occupational groups which have been approved by the Director, SSMO as being exempt from central vacancy control processes.</p> <p>Heads of Agencies must ensure that vacancies are not approved for filling for a fixed term period to circumvent the State Service Vacancy Control process. All vacancies must be advertised for permanent appointment unless there is genuine justifiable reason to fill the vacancy for a specified period. The specified period must accurately reflect, as far as reasonably practicable, the expected duration of the vacancy.</p>

Phrase	Definition
Employment Exclusion Period	<p>Means that the employee agrees not to seek or accept for a period as specified in the TNVR or WRIP Deed of Release:</p> <ul style="list-style-type: none"> any employment in any capacity with the Crown; or any appointment as a consultant providing consultancy services to the Crown. <p>The Crown means the Crown in the Right of Tasmania and includes for the purposes of a TNVR or WRIP Deed of Release to include employment or appointment as outlined above for:</p> <ul style="list-style-type: none"> A Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the <i>State Service Act 2000</i>. The Tasmanian Police Service. Any member of the Tasmanian House of Assembly or Tasmanian Legislative Council. The Excellency the Governor.
Head of Agency	The person holding the office specified in Column 2 of Schedule 1 of the <i>State Service Act 2000</i> is, for the purposes of this document, the Head of that Agency.
Head of the State Service	As appointed under Section 20 of the <i>State Service Act 2000</i> . The Head of the State Service maintains powers and functions relating to this document, even when this function or power is delegated to another person.
Identified Employee	<p>Is a person appointed as a permanent employee as referred to in Section 37(3)(a) of the <i>State Service Act 2000</i> “the Act” who has been formally advised in writing that they will no longer be required or it is likely they will no longer be required to undertake the duties to which they have been assigned as from a specified date and the reason for the decision is a result of the position being identified for abolition due to a function no longer being required or the duties no longer being assigned to the position or the likelihood that this will occur.</p> <p>Unless approved by the Director, SSMO that exceptional and special circumstance exist an “Identified employee” does not include:</p> <ul style="list-style-type: none"> A permanent employee who has been granted a period of leave without pay or is undertaking an arrangement including an assignment of duties, fixed term transfer, higher duties or secondment and the employee is not returning to the duties to which they were assigned prior to commencing leave or the arrangement; or A permanent employee who is unable to undertake their assigned duties due to reasons of illness, injury, workers compensation, inability, code of conduct sanction, poor performance; or A permanent employee who does not have assigned duties for any other reason.

Phrase	Definition
Meaningful work	<p>Is the assignment of alternative unfunded duties for a specified period. The duties are to be commensurate with the employee's skill set and/or transferrable skills or will provide an opportunity for the employee to further develop their skills.</p> <p>In providing employees with "meaningful work" the duties are to be assigned in accordance with Section 34(1) of the Act for a specified period.</p>
Permanent employee	A person appointed as a permanent employee as referred to in Section 37(3)(a) of the <i>State Service Act 2000</i> .
Re-profiling	<p>Means changes that cannot reasonably be achieved without providing the employee with a WRIP payment. Such changes include:</p> <ul style="list-style-type: none"> ▪ changing working arrangements and/or the way in which duties are undertaken; ▪ reviewing and revising duties and/or the classification of duties; ▪ recruiting an employee with a new set of skills, knowledge and experience including but not limited to diversity groups, youth, cadets or graduates; and ▪ any other change in working arrangements and duties which does not meet the requirements for the provision of a TNVR payment.
Salary – for calculating TNVR payments	<p>For the purposes of calculating TNVR payments salary is defined as:</p> <ol style="list-style-type: none"> 1. The classification salary point applicable to the employee's permanent appointment at the time of separation. 2. Any higher duties allowance or more responsible duties allowance as at the date of separation providing the employee has been in receipt of that allowance for a continuous period of at least 12 months. 3. Any other award related allowances not provided above which the employee would receive if they were absent on recreation leave.
Salary maintenance	The maintaining of an employee's salary for a period of 12 months where an "Identified employee" agrees to being assigned or transferred to duties at a lower or different classification level, which will result in the employee receiving a reduced award salary.
SSMO	State Service Management Office
State Service	Tasmanian State Service
Vacancy Control Representative	An agency Senior Human Resource Office who is to be the conduit between their agency, other agencies and SSMO in relation to State Service Vacancy Control and redeployment matters.

Phrase	Definition
Years of Service	<p>Means continuous full-time equivalent permanent or fixed term employment with the Crown subject to the following:</p> <ul style="list-style-type: none"> Permanent employment includes full-time and part-time employment. Fixed term employment includes full-time, part-time and casual employment. As defined in the <i>Long Service Leave (State Employees) Act 1994</i> any break in service of not more than three months and/or any period of leave without pay in excess of twenty working days during the period of service is not deemed to affect continuity of service however it does not count towards calculating full-time equivalent years of service. Periods of secondment outside the Tasmanian State Service greater than three months in duration (except with a public sector union under the provisions of a registered award or agreement) is not deemed to affect continuity of service but does not count towards calculating full-time equivalent years of service. Any periods of employment with the Crown for which a previous redundancy, termination, severance or WRIP payment has been made does not count towards calculating the employee's continuous full-time equivalent years of service. In the case of a female employee who, as a requirement under State legislation prevailing at that time, was obliged to resign her employment with the Employing Authority due to marriage or childbirth, such previous continuous service shall be counted toward calculating full-time equivalent service. It is the responsibility of the employee to provide satisfactory evidence of their previous service. <p>The Director, SSMO may deem that ineligible service is to be counted towards calculating full-time equivalent service on receipt from a Head of Agency substantiating that exceptional circumstances exist or that a legal arrangement relevant to that service applied to the transfer of services or staff.</p> <p>Full-time equivalent years of service means:</p> <ul style="list-style-type: none"> The employees hours of work during the period of continuous employment (including any periods of paid leave, leave without pay of less than 20 working days and additional hours but excluding any payment for hours worked as overtime or leave without pay exceeding 20 working days) Divided by the ordinary full-time hours of work for the same period. <p>The Crown means the Crown in the Right of Tasmania as specified below:</p> <ul style="list-style-type: none"> A Government department or a State authority or other organisation specified in Column 1 of Schedule 1 of the <i>State Service Act 2000</i>. The Tasmanian Police Service. Any member of the Tasmanian House of Assembly or Tasmanian Legislative Council. The Excellency the Governor.

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