

Subsequent Assignment

Information on assessment requirements, assignments to different locations and assignments after leave.

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Assignment should be part of an organisation's approach to building a highly capable and agile workforce that is equipped to meet its business priorities. An employee may be assigned to a different role (a subsequent assignment) for any number of reasons, some of which include:

- to deploy employees where they are most needed;
- to provide professional development;
- to fill a vacancy;
- as a result of a change to roles;
- at the request of an employee.

Subsequent assignment of non-executive employees is within the agency and classification of work. Subsequent assignment of senior executive employees is within the band of employment and across the Public Service.

Roles and staffing numbers (establishment) do not need to change for a change in assignment to occur. It may be beneficial to rotate staff through different roles, for example for development purposes, or to promote better cross team understanding of a work area's functions.

In most cases, subsequent assignments will not have specified end dates, and employees will not generally return to a role they previously occupied. Exceptions to this will occur in the case of assignments to fill a vacancy with a defined period.

Identifying opportunities for subsequent assignment

As a matter of good workforce management practice, managers should discuss future development and career plans with their employees on a regular basis as part of the performance development cycle. Each vacancy that arises is an opportunity to consider the overall mix of workforce capabilities in the work group, the opportunity for assignment of an existing employee, and consideration of the capability area most in need of strengthening through recruitment from sources external to the work group.

Regular management meetings provide an opportunity for managers across a work area or agency to discuss current and upcoming priorities and consider employees for assignment from a wider group than the immediate work area.

Annual or more frequent calls for expressions of interest within agencies provide a good opportunity for non-executive employees to indicate interest in different roles, and a way for them to be offered opportunities across the agency. This is a good option for large agencies, where managers may not be familiar with employees in other areas.

As Public Service senior executives can be assigned across the Public Service, consideration of senior executive assignments should take account of opportunities across the Public Service, not just within the agency. This could be achieved through a Public Service wide expression of interest (i.e. advertised on **I work for NSW**) by accessing a talent pool (when established), or through discussions between agencies about specific and common needs.

Assessment requirements for subsequent assignment

Non-executive and senior executive employees cannot be assigned to a role for which they do not have the essential requirements (for example a relevant qualification or a licence). If an employee meets the essential requirements, their capabilities should be reviewed against those required for the role, as set out in the Role Description.

Note

In this section, 'capabilities required for a role' means both the range of capabilities required (from the core NSW Public Sector Capability Framework and any relevant occupation-specific capability set) and the level required for each capability.

Non-executive assessment

Non-executive employees may be assigned to a role with the same Role Description as their current one or to a role with a different Role Description.

There is no set assessment process or minimum number of required assessments for a non-executive assignment as employees have already been assessed through comparative or suitability assessment for

their initial assignment, and demonstrated capabilities through day to day work, and performance management.

In making an assignment decision the following guidance should be observed.

- While there is no set assessment process, delegates/managers should be satisfied that the employee has demonstrated the focus capabilities of the role at the required level, unless the assignment is for development purposes. The employee may have demonstrated the focus capabilities in a previous role.
- Employees do not have to meet all non-focus capabilities, however, as a guide it would generally not be advisable to assign an employee to a role if they have not met the required capability levels for more than two of the non-focus capabilities required for the role.
- Where an employee is being assigned without a change of manager to a role with the same capability requirements, the manager should already be familiar with the employee's capability levels and their developmental goals through discussions, the employee's recent work, and performance management processes. An assignment would generally be made based on this information without requiring further assessment.
- Where an employee is being assigned to a role in a different work area that requires capabilities at the same level as their current role assignment (or a previous assignment), appropriate assessment might include a meeting with the employee, reviewing their performance management outcomes, reviewing recent work, and/or a discussion with the employee's current/past manager.
- Where an employee is being considered for assignment to a role that requires capabilities at different levels to the employee's current role, and the employee's capability against these has not been assessed, it would be appropriate to undertake a work sample test, request a short statement from the employee against the requirements of the role, review the employee's resume, interview the employee and/or obtain feedback from the employee's current/past manager.

Note

If an employee has not demonstrated that they meet the focus capabilities of the role at the required levels, they may be temporarily assigned to the role for developmental purposes for a limited period of time (up to six months), provided appropriate support will be given. See section 5.5 "Temporary assignment for developmental purposes" of these guidelines for further information.

Senior executive assessment

Due to the breadth of senior executive bands, roles in senior executive bands vary considerably in work value, in the levels of capability required and in remuneration. Accordingly, senior executives considered for assignment to a role at a higher point within the band on an ongoing basis, or to a role at the same remuneration point with different capability levels, must have been assessed through at least a suitability assessment as having the levels of capability required for the role. This can be considered together with any other assessments or evidence considered necessary by the Secretary.

Where a senior executive has previously been assessed as meeting the focus capabilities of the role, and is rated as meeting them through recent performance management outcomes, further assessment should generally not be necessary before they are assigned.

Employees may choose to provide evidence that they meet the focus capabilities through the release of assessment results from formal recruitment actions or other assessment, conducted within the previous 12 months, however the choice of assessment methods and sources rests with the delegate/manager.

Agencies are encouraged to conduct expressions of interest across the Public Service to support senior executive mobility between agencies.

Consultation for assignment

An employee is not to be assigned to a role unless he or she has been consulted (s38(8) and s46(4) of the GSE Act). Consultation provides an opportunity for managers and employees to discuss the reasons for the assignment and any questions or concerns either party may have.

Consultation should include a clear statement that there is no automatic return to the current assigned role, as well as discussion about the reasons for the assignment, the nature of the new role, when the assignment is expected to commence, who the employee will be reporting to during the assignment, and genuine consideration of any concerns the employee has about the assignment. If the role description for the new role is different to the role description for the current assigned role, it should be provided to the employee and discussed during consultation.

Impacts on the employee that should be considered as part of a decision to assign an employee include the employee's preferred career path, flexible working arrangements, caring arrangements, and any financial impact, for example a change in access to shift work allowances or overtime.

Managers should keep a diary note of when consultation took place. If an employee does not agree with the proposed assignment and a decision is made to action the assignment, a record of what was discussed during consultation and the employee's reasons for objecting to the assignment should be kept by the manager. Consultation records are not required to be kept on employee files. Ultimately assigning an employee is the organisation's decision.

A decision to assign an employee should be made after consideration of the agency's workforce needs and the preferences of the employee. Assignment decisions are not subject to review.

Assignment to a role in a different work location

The broad provisions that existed under section 87(2) of the Public Sector Employment and Management Act 2002 (PSEM Act) are continued through GSE Act provisions (s38(2) and 46(2), including that an employee may be assigned to a role in a different workplace location. Assignment to a different workplace location may be for organisational needs, or following initiation by the employee for personal reasons. As

with all assignments, it is important for a manager and employee to discuss the reasons for the assignment, and to consider any concerns raised by either party. Ultimately a decision to assign an employee, including where there is a change of location, is the organisation's decision.

In particular cases, the provisions of the Crown Employees (Transferred Employees Compensation) Award 2009) may apply to non-executive employees.

Subsequent assignment of an executive to a role with lower remuneration within the same band

Due to the wide range of remuneration in senior executive bands, a senior executive could be assigned in the band of their employment to a role with lower remuneration, with their consent (GSE Act s38(8)). For example, with the agreement of the employee, a senior executive band 2 in the middle of the band could be assigned to a role at a lower remuneration, closer to the base point of senior executive band 2.

With the exception of an employee's remuneration being reduced as a result of misconduct or unsatisfactory performance as provided for under GSE Act s68 and s69, an assignment to a role with lower remuneration requires the agreement of the employee, regardless of the period for which it is anticipated that the person will be in the role. The employee's agreement should be in writing.

See sections 68 and 69 of the GSE Act for information on unsatisfactory performance and misconduct.

Return to a role after extended leave, secondment or other absence

Following a period of extended leave, secondment or other approved absence from an agency:

- a non-executive employee is to be assigned to a suitable role in the classification of work and agency of their employment.
- a senior executive is to be assigned to a suitable role in the band of their employment across the Public Service.

The role to which an employee is assigned on return may be different to the role they previously held, or it may be the same role.

Managers should maintain a balance of ongoing and temporary/term roles in their work area to ensure the absent ongoing employee can be assigned to a role on return (subject to any changed circumstances arising from organisational restructures).

In the case of a return to work program following injury, the manager should have regard to any relevant work health and safety legislation and guidance.

Return to a role following parental leave

Section 66 of the Industrial Relations Act 1996 and Clause 75 of the Crown Employees (Public Service Conditions of Employment) Award 2009 apply to employees returning to a role following a period of parental leave.

This includes that an employee returning from a period of parental leave on a full time basis is entitled to return to the role to which the employee was assigned prior to commencing parental leave.

If the role the employee occupied immediately prior to commencing parental leave has ceased to exist, the employee is to be assigned to a role in their classification of work and grade or band, for which they have the capabilities and essential requirements, and to a role as nearly as possible comparable in status and pay to that of the employee's former role. See section 2.3 on classification of work.

A full time employee returning on a part-time basis does not have a right of return to their former role, and if the head of the Public Service agency approves a return to work on a part time basis then the employee is to be assigned to a role in the classification of work and grade or band for which the employee has the capabilities and essential requirements.

Note

While GSE Act s64 and s66 could be used for senior executive movements between government sector agencies, the policy intent is that movements between Public Service agencies should be made as assignments under s38. The use of s66 should be limited to movements between the government sectors and a non-government sector body as defined in s 66(6) and s64 should be used for transfers and secondments between government sector (non-Public Service) agencies.

For information on transfers, secondments and temporary assignment of staff between NSW government sector agencies and other relevant bodies, refer to GSE Act s64 and 66, and Part 6 of the GSE Rules.