

Temporary Assignment

Information on temporary assignments at all levels

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Temporary assignment may be at level, or to a higher or lower classification of work or band.

For roles at level, temporary assignment (rule 11) should be used instead of assignment (GSE s38 and 46) when two conditions are met:

1. the assignment is for a defined period (usually short); and
2. the employee is expected to return to their most recently assigned role at the end of the temporary assignment.

Temporary assignment at level is appropriately used to fill a short term vacancy pending recruitment, to backfill a role while another employee is on short term leave, or to conduct a short term project. It may also be used to backfill a role when an employee is on parental leave.

Temporary assignment should only be used where there is an expectation that the employee will return to their most recently assigned role at the end of the assignment (rule 11 (5)). All other cases of assignment to vacancies with defined periods should be treated as subsequent assignments, even where the following assignment has not yet been determined.

Temporary assignment should not be used instead of assignment as a mechanism to provide employees with a default 'home' role as this is inconsistent with the principles of mobility, capability development and resource deployment flexibility.

Temporary assignment to a higher classification or band replaces the separate PSEM Act provisions for acting (PSEM Act s24) and temporary transfers to a higher grade within agencies (PSEM Act s86A).

Non-executive employees

Non-executive temporary assignment under rule 11 may be to:

- a role in the same classification of work (at-level); or
- a role in a higher classification of work, or into a senior executive band (above-level); or
- a role in a lower classification of work.

At-level temporary assignment

A temporary assignment to a role in the same classification of work may be made on the same basis as an assignment, which is that the delegate /manager of the new role is satisfied the employee has the capabilities required to perform the role. See section 4.3 of these guidelines for further information.

In general, temporary assignment at-level should not be used for periods longer than six months, except when it is used to backfill a role while an employee is on parental leave.

Above-level temporary assignment

Temporary assignment under rule 11 will primarily be used for temporary above-level movements. Above-level temporary assignments will usually attract payment of a temporary assignment allowance, as described in section 5.4 of these guidelines.

Temporary assignment to a role above-level should be for a maximum period of two years. For extensions beyond two years, a further comparative assessment based on advertising across the Public Service should be conducted and the employee confirmed as the most suitable candidate.

For non-executive employees, temporary assignment to a role above-level could be either:

- to a role at a higher non-executive classification of work than the employee's ongoing employment classification of work (for example, from an ongoing clerk grade 7/8 to a clerk grade 9/10); or
- to a role in a senior executive band (for example, from a clerk grade 11/12 to a senior executive band 1 role).

Above-level temporary assignments of up to 6 months may be made on the same assessment basis as assignment, which requires the delegate/manager of the new role to be satisfied that the employee has the capabilities required to perform in the role (see section 4.3 of these guidelines for further information).

Above-level temporary assignments for longer than 6 months, including any extension of a temporary assignment which brings the total period to longer than 6 months, must be based on a comparative assessment resulting from advertising across the Public Service. Therefore it is important to consider the

possible length of a temporary assignment before an employee is temporarily assigned.

Comparative assessment (see GSE rule 17) requires a minimum of three capability based assessments, one of which is an interview, and requires opportunity for competition with others.

Appendix 3 provides a summary of assessment requirements for non-executive above-level temporary assignment and payment of temporary assignment allowance.

Senior executive employees

Temporary assignment of senior executives is within the same Public Service agency or to another Public Service agency.

Senior Executive temporary assignment under rule 11 may be to:

- a role in the same band with the same work value and remuneration (at-level); or
- a role in the same band with higher work value and remuneration (at-level); or
- a role in the same band with lower work value and remuneration (at-level); or
- a role in a higher senior executive band (above-level).

At-level temporary assignment (within the same band)

An at-level temporary assignment is a temporary move to a different role in the same senior executive band as the senior executive is employed, generally followed by a return to the previously assigned role. In general, at level temporary assignment should not be used for periods longer than six months.

Due to the breadth of senior executive bands, roles in senior executive bands vary considerably in work value, in the level of capability required and in remuneration. Therefore a temporary assignment within the same band could be to a role with the same or greater capability requirements and remuneration than the senior executive's current assigned role. For this reason, it is important to establish that the senior executive meets the capability requirements of the new role prior to proceeding with the move.

At-level temporary assignments of up to 6 months may be made on the basis that the delegate/manager of the new role is satisfied that the employee has the capabilities required to perform in the role.

At-level temporary assignments of longer than 6 months may be made on the basis that the senior executive has been assessed through a suitability assessment as meeting the focus capabilities at the level required for the role. This will be the case where the level of capability against the focus capabilities in the new role is the same as for the current assigned role. Where the at-level temporary assigned role requires different capabilities to those in the employees current assigned role, or capabilities at different levels to the current assigned role, and the employee has not previously been assessed as having the capabilities at the level required, a suitability assessment against the previously untested capabilities is required.

Where an at-level temporary assignment is to a role with greater remuneration, a temporary assignment allowance may be payable. See section 5.4 of these guidelines for information on temporary assignment allowance, and section 5.7 for information on temporary assignment to a role with lower remuneration.

Above-level temporary assignment (to a higher band)

Senior executives may be temporarily assigned to roles in higher bands, for example, from ongoing employment in the senior executive band 1 to a temporary assignment in senior executive band 2 role.

Temporary assignment to a role in a higher band should be for no more than two years. For extensions beyond two years, a further comparative assessment based on advertising across the Public Service should be conducted and the employee confirmed as the most suitable candidate.

Above-level temporary assignment for up to 6 months may be made on the basis that the employee has previously demonstrated that they meet the capability requirements for the role (based on previous suitability assessments, temporary assignments, and/or documented performance assessments undertaken within the last 12 months). If this is not the case, a suitability assessment is required as a minimum to assess competence in any previously untested focus capabilities.

Above-level temporary assignment for longer than 6 months, including any extension of a temporary assignment that brings the total period to more than 6 months, must be based on a comparative assessment resulting from advertising across the Public Service. Therefore, it is important to consider the possible length of a temporary assignment before an employee is temporarily assigned.

Appendices 4 and 5 provide a summary of assessment requirements for senior executive temporary assignment to roles of greater remuneration and for payment of temporary assignment allowance.

Temporary assignment allowance

Non-executive and senior executive employees temporarily assigned to a role with higher salary or remuneration and work value (whether at-level or above-level) may be eligible for payment of a Temporary Assignment Allowance (TAA). The GSE Regulation sets out the requirements for payment of allowances for temporary assignments to higher non-executive roles (Clause 20) and for allowances for temporary assignments to executive roles (Clause 21).

TAA is the difference between an employee's usual salary or remuneration and the salary or remuneration of the role to which the employee is temporarily assigned. Generally, TAA would be paid at the minimum salary or remuneration for the temporarily assigned role, however, it may be paid at a higher salary or remuneration for the role if determined appropriate by the agency head, having regard to the employee's capabilities, knowledge and experience, including previous periods of temporary assignment at the higher level.

When TAA is payable, it is for the period of the temporary assignment only and does not become part of ongoing salary or remuneration.

Temporary assignment allowance for proportional duties (GSE Regulation Clause 20(3))

In most cases an employee temporarily assigned to a role would perform the full duties required of the role. However, in certain situations an employee may be required to perform only a proportion of the duties required of the higher role. This may arise when the temporary assignment is for a short period, when the opportunity is provided to more than one employee, or because of the employee's own level of experience.

Where an employee is asked to perform a proportion of the duties of the temporary assignment, the employee is not paid the full TAA, but instead a proportional amount of the allowance, consistent with the proportion of the role they are performing. For example, an employee temporarily assigned to perform 75 per cent of a role is to be paid their usual salary or remuneration plus 75 per cent of the TAA. The duties the employee is to perform and the proportion of TAA to be paid are to be clearly stated and agreed to prior to commencement in the role.

For longer term temporary assignments where an employee is performing a proportion of the duties, the proportion of the duties the employee is performing and the associated TAA should be reviewed from time to time to ensure they continue to be appropriately set.

Payment of the allowance should be made during the period of temporary assignment, not in arrears. Any performance issues against the requirements of the role should be dealt with through the agency's performance management system.

Temporary assignment for developmental purposes

Where an employee demonstrates that they meet some but not all focus capabilities at the level required for a role, they may be offered a temporary assignment under the provisions of GSE rule 11 for developmental purposes. Temporary assignments for developmental purposes may be either at level or above-level.

A temporary assignment for developmental purposes can be provided for a period of no more than 6 months.

Appropriate support and a development plan should be agreed at the outset of the temporary assignment and progress should be regularly reviewed. There should also be a review of performance at the end of the temporary assignment, which may include formal assessment elements, and the outcome should be discussed with the staff member.

If assessment at the end of the development period demonstrates that the employee has acquired the desired capabilities at the level required for the role, and the temporary assignment is within the same classification of work (non-executive) or within the same band (senior executive) as the employee's ongoing employment (i.e. it is not to a higher classification of work or band), the employee may be considered for assignment under GSE Act s38 or 46 to a role requiring those capabilities rather than return to their previous role. See section 4.3 for assessment requirements for assignment.

Temporary assignments for developmental purposes are a tool available to develop workforce capability. They may be used for employees performing well in their current role who have demonstrated potential to develop the capabilities at the level required for the new role. For example, an employee with management

potential who does not have people management experience may be offered a temporary assignment for developmental purposes to a role which supervises others as a way to develop people management capabilities.

Before offering an employee a temporary assignment for developmental purposes, managers should consider the employee's overall performance, potential to develop and level of capability against the capabilities of the new role. It is not advisable to offer a developmental opportunity to an employee who does not meet more than one of the focus capabilities required for the role as they may not be able to perform, which would affect service delivery and could demotivate the employee.

See section 5.4 for information on proportional payment of Temporary Assignment Allowance when an employee is performing a proportion of the duties of the temporary assigned role.

Ongoing employment at the level of the temporary assignment

An agency head may decide to offer an employee ongoing employment at the level of an above-level temporary assignment. This decision should be based on a review of agency business needs, including the number of ongoing employees the agency has at that level compared to the number of current and anticipated roles, and an assessment of the mix of capabilities the agency requires to deliver on current and projected priorities.

An offer of ongoing employment is made under GSE Act s37 (senior executives) or s45 (non-executives) and is subject to:

- the results of comparative assessment based on external advertising, which may be the original comparative assessment for the temporary assignment or a new comparative assessment for the role;
- the employee's documented performance outcomes in the above-level role; and
- the satisfactory conduct of the employee.

There is no minimum time period of temporary assignment at the higher level required prior to offering ongoing employment.

Employee initiated temporary assignment to a role with lower remuneration

Non-executive and senior executive employees may initiate temporary assignment to a role with lower salary or remuneration under GSE Rule 11. A temporary assignment to a role with lower salary or remuneration may be made on the same assessment basis as temporary assignment to a role at-level (which for non-executives is within the same classification of work, and for senior executives, is within the same band). See sections 5.2 and 5.3 for assessment requirements.

Temporary assignment to a role with lower salary or remuneration should only occur at the request of the employee and the agreement of the delegate. The temporary assignment and associated reduction of salary or remuneration requires the written agreement of the employee and the delegate, regardless of the period for which it is anticipated that the person will be in the role.

Temporary assignment and Transitional Former Senior Executives

Prior to agencies implementing their new senior executive structure, transitional former senior executives (refer Glossary and clause 8 of Schedule 4 of the GSE Act) may be temporarily assigned to a different role based on the provisions outlined in GSE rule 11.

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.