

Name of Policy	Management of Staff Unattached from Substantive Position Policy
Description of Policy	This policy outlines University's obligation for staff requesting to be unattached from their substantive position.
Policy applies to	<input checked="" type="checkbox"/> University-wide <input type="checkbox"/> Specific (<i>outline location, campus, organisational unit etc.</i>) <hr/>
	<input checked="" type="checkbox"/> Staff Only <input type="checkbox"/> Students Only <input type="checkbox"/> Staff and Students
Policy Status	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision of Existing Policy
Description of Revision	Provides consistency to the application of secondment greater than 52 weeks with the Enterprise Agreement and the Internal Secondment and the External Secondment policies

Approval Authority	Vice-Chancellor and President
Governing Authority	Chief Operating Officer
Responsible Officer	Director, Human Resources

Approval Date	31 October 2016
Effective Date	31 October 2016
Date of Last Revision	04 August 2014
Date of Policy Review*	

* Unless otherwise indicated, this policy will still apply beyond the review date.

Related Policies, Procedures, Guidelines and Local Protocols	Leave Without Pay Policy Employment of Part Time Staff Policy Income Maintenance Policy Parental Leave Policy Internal Secondment Policy External Secondment Policy
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1. Background Information

This policy has been developed to support the arrangements for those staff members who have agreed to become unattached from their substantive position.

2. Policy Statement

A staff member who elects to take Child Rearing Leave after a period of fifty-two (52) weeks Parental Leave, Leave Without Pay (LWOP) in excess of fifty-two (52) weeks, or any consecutive periods, including any extension which brings the total period of leave without pay to be in excess of fifty-two (52) weeks, or undertakes an external secondment greater than fifty-two (52) weeks including any extension which brings the total period of external secondment to greater than fifty-two (52) weeks, as a condition for approval they must agree in writing to become unattached from their position at the University so as to enable the University to substantively fill the position to meet ongoing operational requirements.

Where a staff member elects to take an internal secondment greater than fifty-two (52) weeks including the any extension which brings the total period of internal secondment to greater than fifty-two weeks, the University will normally follow the “Application of Policy”.

3. Policy Purpose

The University will endeavour, wherever possible, to find a suitable position for an unattached staff member who seeks to return from an approved period of absence from the University. This will be dependent upon the availability of a suitable vacant position at an appropriate campus of the University. This policy clarifies the procedures that will take place when a staff member signs an agreement that results in becoming unattached from a substantive position. It also outlines the procedures that apply when an unattached staff member gives notice that they wish to return to work.

4. Application of Policy

4.1. General Application

- 4.1.1. When a staff member enters into a written agreement, in line with relevant University Policy, to become unattached from a substantive position they will remain a staff member of the University in line with their current contract of employment.
- 4.1.2. The staff member will, until they return to work, be unattached from the position within the organisational structure where they were previously appointed.
- 4.1.3. At the time a staff member becomes unattached from a substantive position, recruitment may commence for the position in line with standard University recruitment and selection policy and guidelines.

- 4.1.4. A staff member who is unattached from a substantive position will confirm their interest in returning to work by providing at least two (2) months written notice to the Director, Human Resources via email. The written notice will include the date that the staff member wishes to return to work and the fraction at which they wish to return if less than their previous fraction. The staff member will need to provide the University with a current curriculum vitae to assist and inform placement considerations.
- 4.1.5. Following receipt of advice of interest in returning to work, the request will be referred to the Member of the Executive who has responsibility for the organisational unit in which the staff member was employed at the time of becoming unattached from the previously occupied substantive position.
- 4.1.6. The Member of the Executive will identify any suitable positions available within the organisational unit, and will undertake an assessment of natural attrition, conversion of current casual or fixed-term employment (where appropriate), introduction of flexible work practices such as part-time work, job share, and/or fractional employment. Any claims of unsatisfactory performance, or preference for a fixed term staff member are not grounds for not placing a returning staff member in a suitable vacant position, where one is available.
- 4.1.7. If the Member of the Executive identifies that a suitable position is not available within the organisational unit, they must formally advise the Director Human Resources. This advice must elaborate why placement is not currently possible and all of the options explored.
- 4.1.8. Where a suitable position is not available in the organisational unit in which the returning staff member was previously placed, the suitability of the staff member will be assessed against any other vacant/new roles which may be available consistent with the staff member's skills, knowledge and experience. This assessment will be conducted by Human Resources in consultation with the relevant nominated supervisor of the vacant/new role.
- 4.1.9. Unattached staff members will be assessed for suitability before any other applicants for a vacant position, prior to advertising and against the position selection criteria to establish whether they meet the essential requirements for the vacant position. This assessment aims to establish if a returning staff member is or is not likely to perform satisfactorily in the position within a reasonable period, when given access to appropriate support and training.
- 4.1.10. Any current recruitment action by the Organisational Unit in which the returning staff member worked previously may be suspended by the Director, Human Resources until an assessment has occurred of the suitability of any current unattached staff member(s) who have provided formal advice of their interest in returning to work.
- 4.1.11. An appropriately qualified staff member may be placed in a suitable vacant position without the requirement for advertisement.
- 4.1.12. In the case of an Academic Staff member, the staff member may be required to provide evidence that they have maintained their academic and/or professional standing (e.g. registration/accreditation) during the period of approved leave and, therefore, remains qualified to perform the position.
- 4.1.13. In the case of a Professional Staff member, in some cases a nominated supervisor may request that the employee undergo reasonable relevant employment testing to ensure their capacity to be placed in a position.

4.2. Following Child Rearing Leave

- 4.2.1. In the case of an unattached staff member, the preferred outcome is the placement wherever possible, of the staff member in a suitable position at the same level and fraction if one is available. A trial placement of an unattached staff member may be applied for a period of up to thirteen (13) weeks, after which time the staff member

may be placed in the position if they are found to be performing to the required standard.

- 4.2.2. In the event an unattached staff member is in a trial placement, the staff member, the Member of the Executive and Human Resources are to be progressively advised in writing by the nominated supervisor of the staff member's performance during the trial period. This is to ensure that suitable training and/or development needs may be provided and so that the staff member's progress during the trial may be appropriately monitored. The staff member, Member of the Executive and Human Resources must be provided with a report justifying a recommendation to place or to not place the staff member in the position if the trial placement is deemed to be either satisfactory or unsatisfactory.
- 4.2.3. If performance is found to be unsatisfactory in the suitable position in a trial placement, the staff member will continue to be unattached from a position and will be considered for any other suitable vacancy at or below their substantive classification level as identified by the University. On cessation of the trial period the staff member will become supernumerary within the organisational unit in which the staff member was employed at the time of becoming unattached.
- 4.2.4. If an unattached staff member elects to return from a period of Child Rearing Leave and there is not a current suitable vacancy for the staff member to be placed in they will become supernumerary within the organisational unit in which they were employed at the time of becoming unattached.
- 4.2.5. The Human Resources will continue to monitor vacancies in relation to supernumerary staff members up to fifty-two (52) weeks. If a position at the staff member's substantive grade or a lower level position is not identified within this period, the staff member may be offered a severance benefit calculated in accordance with the severance provisions of this policy and their employment will be terminated.

4.3. Following LWOP or External Secondment Leave

- 4.3.1. If an unattached staff member elects to return from a period of leave without pay or from an external secondment greater than fifty-two (52) weeks and there is not a current suitable vacancy, for the staff member to be placed in, they will need to be placed on leave without pay until a suitable position is identified. During this time, the staff member may undertake internal training courses to further develop their skills.
- 4.3.2. In the case of a Professional Staff member, if there is not a position at their pre-leave classification level they may be placed in is a lower level position, where the staff member will be paid the salary attached to the level of the position they occupied prior to going on leave. This payment will continue until a suitable position at their previous substantive level becomes available, provided this is within fifty-two (52) weeks of their return to work.
- 4.3.3. In the case of a Professional Staff member returning to a lower level position, if a position at the substantive classification level of the position occupied prior to going on leave is not identified within fifty-two (52) weeks of a return to work, the staff member will be offered the lower level position at the highest incremental step, confirmed at that level and placed in the position. Thereafter, whilst occupying this position the staff member will be paid at the salary level appropriate to the position.
- 4.3.4. Human Resources will continue to monitor vacancies in relation to returning unattached staff members for up to fifty-two (52) weeks. If a position at the staff member's substantive classification level or a lower level position is not identified within this period, the staff member may be offered a severance benefit calculated in accordance with the severance provisions of this policy.

4.4. Severance Payment

4.4.1. In circumstances where the University cannot place the staff member into a suitable position, the staff member will be given the choice of either:

- (i) remaining employed on leave without pay for a further period of up to fifty-two (52) weeks during which Human Resources will continue to monitor suitable vacancies, or
- (ii) accepting an offer of separation from the University including compensation equivalent to up to sixteen (16) weeks' salary as severance payment, calculated in accordance with severance provisions¹ detailed below:

Period of continuous paid service on termination	Severance payments
At least 1 year but less than 2 years	4 weeks' salary
At least 2 years but less than 3 years	6 weeks' salary
At least 3 years but less than 4 years	7 weeks' salary
At least 4 years but less than 5 years	8 weeks' salary
At least 5 years but less than 6 years	10 weeks' salary
At least 6 years but less than 7 years	11 weeks' salary
At least 7 years but less than 8 years	13 weeks' salary
At least 8 years but less than 9 years	14 weeks' salary
At least 9 years but less than 10 years	16 weeks' salary
At least 10 years and over	12 weeks' salary

4.4.2. If by the end of the period of additional leave without pay specified in 4.4.1 (i) no suitable position has been identified for placement, the provisions of 4.4.1 (ii) will apply.

4.4.3. Any period of leave without pay over fifty-two (52) weeks shall be regarded as satisfying the notice period required under the relevant enterprise agreement.

4.4.4. Any severance payment will be charged to the original organisational unit in which the staff member's substantive position resided, less any applicable trial period.

5. Approvals

A nominated supervisor will need to seek approval as per the Delegations of Authority Policy and Register to place an unattached staff member into an identified vacant position. Appropriate appointment documentation and approval will need to be forwarded to Human Resources.

6. Policy Review

The University may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to Human Resources.

7. Further Assistance

Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further information or advice be required staff should visit [Service Central](#).

¹ Severance Provisions listed are consistent with the National Employment Standards (NES)