

## SCHEDULE 3 – REDEPLOYMENT AND RETRENCHMENT

### 1. Application

(a) These provisions do not apply to:

- (i) an officer appointed on probation whose appointment has not been confirmed; *or*
- (ii) an officer appointed for a specified period including casual appointment.

Officers on a specified term employment have access to redeployment and other provisions in accordance with Schedule 2.

### 2. Potentially Redundant Officers

(a) An officer is potentially redundant if:

- (i) the officer is included in a group of officers, which group comprises a greater number of officers than is necessary for the efficient and economic working of CSIRO;
- (ii) the services of the officer cannot be effectively used because of technological, structural or other changes in the work methods of CSIRO or changes in the nature, extent or organisation of the functions of CSIRO; *or*
- (iii) the duties usually performed by the officer are to be performed in a different city and the officer is not willing to perform duties at that city.

### 3. Voluntary Redundancy (VR)

(a) A potentially redundant officer may become voluntarily redundant by either:

- (i) accepting an offer from CSIRO to make their position redundant; *or*
- (ii) exchanging positions with another officer who would not contest redundancy.

This is referred to as Voluntary Redundancy Substitution (VRS). VRS will only be approved where CSIRO determines that the skills of both individuals are a close match and that there will be no adverse impact on ongoing work requirements. VRS will only proceed where no suitable redeployment opportunities are identified.

(b) VRS is entirely at CSIRO's discretion and discussions will occur with each individual officer before final approval by CSIRO.

(c) Where VR is approved, the Senior Manager will provide the officer with the following information and formal advice. Unless a shorter period is agreed between CSIRO and the officer, the formal advice will be provided no earlier than four weeks from the date on which all relevant information regarding the potential redundancy situation has been provided to the officer:

- a written estimate of the financial termination benefits which apply for each of the redundancy options (including income maintenance);
  - formal advice in writing detailing that:
    - (i) the officer can agree to a termination date that is within 10 working days of receipt of this formal advice;
    - (ii) the officer will be paid the equivalent of 8 weeks pay in lieu of notice in addition to the lump sum or income maintenance benefit, (where applicable); and
    - (iii) the officer must provide written advice as to their preferred benefit as soon as practicable, prior to the termination date.
- (d) Where an officer has requested the involvement of a representative, the representative will be provided with the information in respect of the officer concerned.
- (e) Where VR is approved, clauses 4 to 7 and 10 of this Schedule do not apply to the officer.
- (f) CSIRO will, on an annual basis, make all officers aware of the option of being listed on a Voluntary Redundancy Substitution register which will be maintained by CSIRO Human Resources. CSIRO will not refuse an officer's election to be placed on the register. Additionally, when Business Units are undertaking organisational change or restructuring, they will advise all officers at that time of the opportunity for voluntary redundancy substitution.

#### **4. Identification of individual officers from an impacted group of officers**

- (a) After voluntary redundancy has been considered, in any situation where the number of roles available is fewer than the current number of officers occupying those roles, the following process will be adopted.
- (b) The responsible Line Manager will use available knowledge and information to undertake an assessment of each officer against the organisational requirements for the role/s developed in line with the applicable work classification standards. The principles of procedural fairness will be applied. The officer will have the opportunity to provide information if they so choose, however they will not be required to make a formal application for their existing role.
- (c) The final decision will be made by the responsible Line Manager and affected officers will be advised. Where it is determined that there is no ongoing organisational requirement for the officer's skills, the officer will be advised that they are potentially redundant and will be provided with information in accordance with sub-paragraph 6(a).

## **5. Advice and information to individual impacted officer**

- (a) Where an individual officer is likely to become redundant the Senior Manager will, at the earliest practicable time, advise the officer of the situation and at the same time will provide the officer with the following information:
- details of the circumstances which have given rise to the potential redundancy;
  - why the individual officer's position has been identified as potentially redundant;
  - potential redeployment, including retraining prospects, within the Business Unit and more broadly, within CSIRO;
  - other options available which may prevent the redundancy;
  - a written estimate of the financial termination benefits which apply for each of the redundancy options (including income maintenance) in the event that redundancy is confirmed; and
  - comprehensive information concerning redeployment and redundancy procedures and the assistance that CSIRO Human Resources will provide.
- (b) Where an officer has requested the involvement of a representative, they will be provided with the information in respect of the officer concerned.

## **6. Redeployment**

- (a) CSIRO will carry out an organisation-wide survey, of existing and foreseeable vacancies which are at, or one level below, the officer's substantive CSOF level and in the same functional area. The minimum period over which this survey will be conducted will be 2 months or a shorter period may be agreed between CSIRO and the officer.
- (b) A position will be considered to be a suitable opportunity if that officer meets all the essential selection criteria for the position either immediately, or could reasonably be expected to do so after a reasonable period of retraining (up to six months in the case of vacancies with indefinite tenure).
- (c) Where an officer accepts redeployment within CSIRO to a position of lower classification than their substantive classification level, payment will be at the rate necessary to bring their salary up to the salary received immediately before the date of redeployment for the following period:
- (i) in the case of officers who have twenty or more years of service – 14 months;  
or
  - (ii) in the case of other officers – eight months.

The income maintenance period shall commence on the day of transfer to a position of lower classification.

- (d) Where an officer secures further employment in CSIRO and is required to move house in order to take up the appointment, the officer will be eligible for the same conditions as would apply had the officer been promoted to that position.

(e) For the purposes of calculating salary, allowances referenced in 8.2 (e) will apply.

## **7. Retrenchment**

### **(a) Formal written notification**

Where there are no apparent redeployment opportunities and the redundancy is to proceed, the officer will be formally advised in writing. This notification will detail the various options in terms of the timing of termination and the relevant benefits the officer may elect to receive on retrenchment.

This notification shall provide formal notice of five weeks which will commence four weeks from the date of the formal written notification.

### **(b) Cessation within 10 working days of receiving formal written notification**

If an officer does not contest redundancy and agrees to a termination date that is within 10 working days of receipt of their formal written notification the officer shall be paid the equivalent of 8 weeks pay in lieu of notice in addition to the lump sum or income maintenance benefit, (where applicable). During this 10-day period the officer must provide written advice as to their preferred benefit.

### **(c) Cessation after 10 working days of receiving formal written notification**

- (i) Officers who choose to remain with CSIRO beyond the 10 working days following the receipt of their formal written notification, will receive, in addition to the lump sum or income maintenance benefit (where applicable) the remainder of the formal notice period referred to in sub-paragraph 7(a).
- (ii) Employment will terminate at the completion of the period of notice. Where, prior to the completion of the notice period, the officer seeks appointment to an advertised vacancy but has not been assessed by the end of the notice period, employment will be extended until the officer's suitability for that position has been determined.

### **(d) Financial planning, skilling and career support**

When requested by an officer, CSIRO will fund an outplacement service to obtain job seeking skills and career assessment. In lieu of this, the officer may request an equivalent amount to undertake relevant training or other career support. In addition, CSIRO will contribute towards one visit to a mutually agreed financial adviser.

## **8. Options for Redundancy Benefit**

**An officer made redundant in accordance with this Schedule will receive a lump sum payment unless the officer elects to receive income maintenance.**

### **8.1 Lump Sum Payment**

- (a) An eligible officer who is retrenched will receive a lump sum payment calculated in accordance with this paragraph.

(b) Subject to a minimum payment of 4 weeks pay and a maximum of 48 weeks pay, the Lump Sum payable to a retrenched officer will be 2 weeks salary for each completed year of continuous service PLUS a pro-rata payment for any additional completed months of continuous service, subject to any minimum amount the officer is entitled to under the Fair Work Act 2009.

(c) Calculation of Lump Sum

Where an officer has less than 24 years full-time service, the redundancy payment will be calculated on a pro-rata basis for any period where an officer has worked part-time hours during their period of service.

(d) For the purposes of calculating salary at the date of termination, the following payments will be included:

- (i) Enhanced Responsibilities Allowance, if it was received for a continuous period of at least 12 months prior to formal advice being given under sub-paragraph 7(a);
- (ii) Payment for shift work, restriction duty or overtime where it was received regularly i.e. in 50% or more of the pays received in the 12-month period preceding the giving of notice under sub-paragraph 7(a). The amount included will be the average fortnightly payment during the 12 month period; and
- (iii) Workplace Responsibility Allowance (including First Aid Allowance), Superior Performance Rating (Premium Step) and ACDP Site Allowance.

## **8.2. Income Maintenance after termination**

(a) Where an officer has elected to receive income maintenance the officer will be entitled to receive payments for the following period:

- (i) in the case of officers who have twenty or more years of service – 14 months; or
- (ii) in the case of other officers – eight months.

(b) The income maintenance period shall commence on the day after termination.

(c) During periods of income maintenance former officers will be eligible to apply and compete on merit for internally advertised vacancies.

(d) The amounts to be paid by way of income maintenance shall be calculated as follows:

- (i) where the former officer is unemployed, payment will be at a rate equivalent to their salary at the date of termination less any amount received by way of unemployment relief.
- (ii) where the former officer obtains employment outside CSIRO, payment (if any) will be at the rate necessary to bring their salary from that employment to the salary level at the date of termination.

- (e) For the purposes of calculating salary at the date of termination, the following payments will be included:
- (i) Enhanced Responsibilities Allowance, if it was received for a continuous period of at least 12 months prior to formal advice being given under sub-paragraph 7(a);
  - (ii) Superior Performance Rating (Premium Step), but only for that part of the period of income maintenance that would have been paid, had the officer not been in receipt of income maintenance under the terms in this Schedule;
  - (iii) Payment for shift work, restriction duty or overtime where it was received regularly i.e. in 50% or more of the pays received in the 12-month period preceding the giving of notice under sub-paragraph 7(a). The amount included will be the average fortnightly payment during the 12 month period; and
  - (iv) Workplace Responsibility Allowance (including First Aid Allowance) and ACDP site allowance.
- (f) During the period of income maintenance, former officers will be required to provide acceptable evidence of income (from employment or unemployment relief) in order to establish and maintain eligibility for income maintenance.

## **9. Service for Redundancy Pay Purposes**

For the purpose of calculating an entitlement in accordance with clause 8 of this Schedule, “service” means:

- service in CSIRO;
- Government service as defined in section 10 of the Long Service Leave (Commonwealth Employees) Act 1976;
- service with the Commonwealth (other than service with a joint Commonwealth–State body or a body corporate in which the Commonwealth does not have a controlling interest) which is recognised for long service leave purposes;
- service with the Australian Defence Forces;
- service in another organisation where:
  - (i) an officer was transferred from that organisation with a transfer of function; or
  - (ii) an officer engaged by that organisation on work within a function is appointed as a result of the transfer of that function to the CSIRO and such service is recognised for long service leave purposes.

**Service not to count as service for redundancy pay purposes** – Any period of service which ceased in any of the following ways will not count as service for redundancy pay purposes:

- retrenchment; retirement on grounds of invalidity; inefficiency or loss of qualifications; forfeiture of office; dismissal; termination of probation appointment for reasons of unsatisfactory service; or voluntary retirement at or above the minimum retiring age applicable to the officer or with the payment of an employer-financed retirement benefit.

**Earlier periods of service** – For earlier periods of service to count there must be no break between the periods except where:

- (a) the break in service is less than one month and occurs where an offer of employment with CSIRO was made and accepted by the officer before ceasing employment with the preceding employer; or
- (b) the earlier period of service was with CSIRO and ceased because the officer was deemed by CSIRO to have resigned on marriage.

**Absences during a period of service** – Absences from duty which do not count as service for long service leave purposes will not count as service for redundancy pay purposes.

## **10. Review**

- (a) An officer may seek a review under the Workplace Issues Resolution Procedure in relation to other redundancy issues which do not impinge on the validity of the decision to retrench them (i.e. the purpose of the review cannot be to question the redundancy itself).
- (b) An officer may bring an action against termination of employment under clause 83 of this Agreement.