

ACTPS Recruitment Policy and Guidelines

Tool 1 – Recruitment Options



Choosing a Recruitment Option

Firstly, it is really important to remember that recruitment or selection is not the only option to consider if a position has become available. Alternatives to conducting a recruitment process include re-engineering business processes, automating processes, cross-skilling staff or genuinely considering that a function no longer needs to be performed (e.g. because a project has finished). Please note that any changes may be subject to the consultation requirements in accordance with clause G1 of the enterprise agreement. If it is necessary to conduct a recruitment process, the next step is to prepare an updated Position Description, and then select the appropriate recruitment option.

There are many considerations when deciding on the most appropriate recruitment approach when filling a vacancy. The scope of options is determined by ACTPS employment legislation and Enterprise Agreements as well as business requirements. One important consideration is whether the vacancy should be **permanently or temporarily** filled. Permanency is the default option unless there is a legitimate reason for why the position should be filled on a temporary or casual basis. In determining whether there are legitimate reasons for deviating from the principle of permanency, the following should be considered:

- there is no permanent officer available with the expertise, skills or qualifications required for the duties to be performed;
- the assistance of a temporary nature is required for the performance of urgent or specialised work within a particular business unit of the ACTPS, including backfill for a permanent officer absent on leave or for discrete projects;
- it is not practical in the circumstances to use the services of an existing officer;
- the work is of a seasonal, ad hoc or irregular “on demand” nature;
- funding is only available for a fixed period consistent with the intent of the employment framework in the *Public Sector Management Act 1994* (PSM Act) and without expectation of funding being renewed in a reasonable timeframe; and
- the position is part of an entry level program in accordance with clause C6 of the enterprise agreements.

Other considerations include:

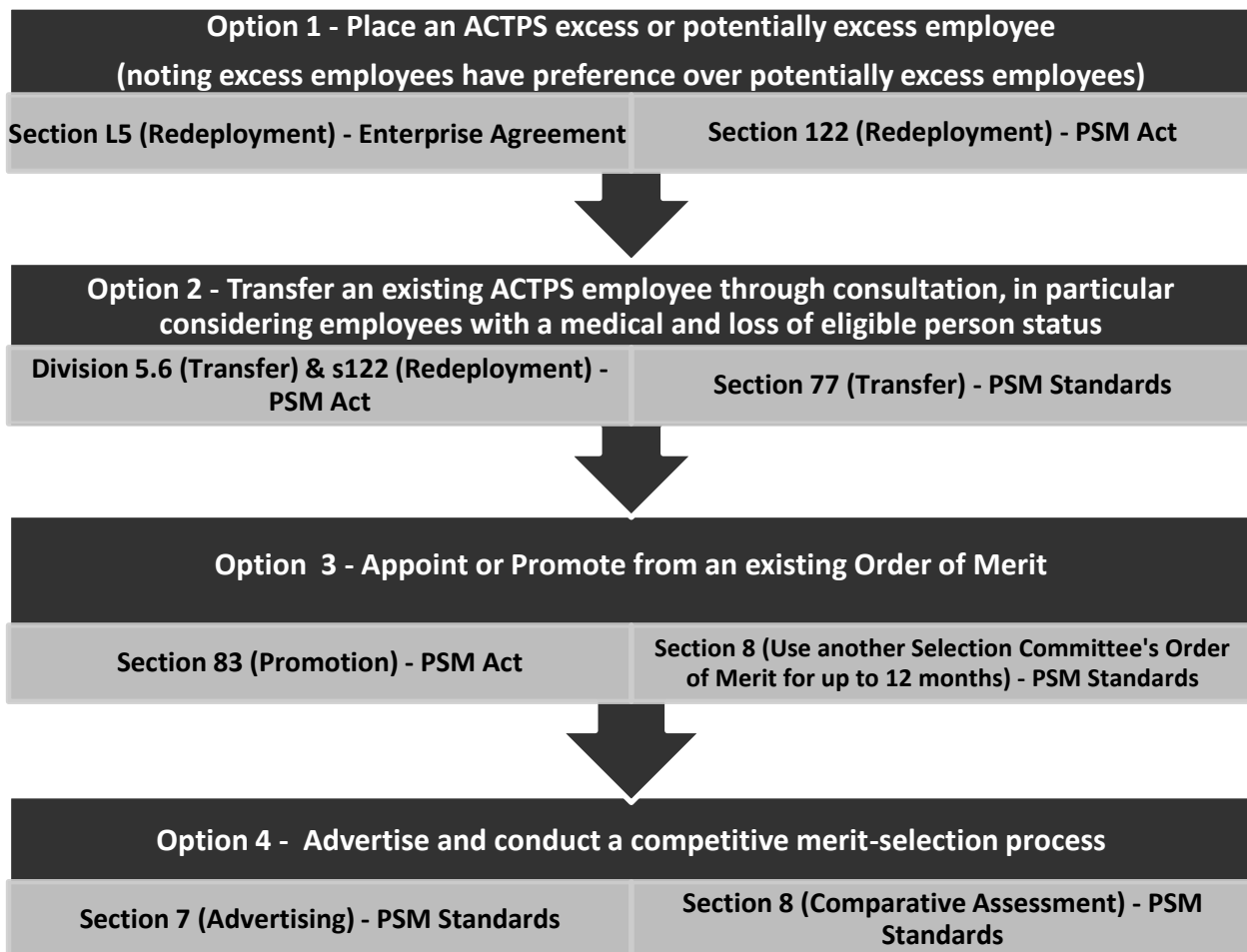
- has the Position Description been reviewed and updated?
- is a competitive merit-based selection process required?
- are there potentially excess or excess employees that must be considered for the role?
- are there employees with a medical or loss of eligible person status that require redeployment and should be considered for the role?
- should preference be given to existing ACTPS permanent employees through advertising internally in the ACTPS as an Expression of Interest (EOI), or should the vacancy be advertised on the Jobs ACT website, opening to external applicants?

- are there any recruitment options that should be considered first, or are preferable to others?

The information in this tool will provide general guidance when determining an appropriate recruitment approach for your vacancy. There are Directorate specific requirements and timeframes, so further assistance and advice should also be sought from your Directorate's HR area for information about the best option available for your specific recruitment activity.

Permanent Vacancy

Under the ACTPS employment framework, there are four options when filling a permanent vacancy.



Option 1 - Place an Excess or potentially excess ACTPS Employee

Under the Enterprise Agreement, excess and potentially excess employees have absolute preference for transfer to a vacancy at their substantive level and must be considered in isolation and prior to other applicants for any vacancy for permanent filling or for a temporary period of six months or more within the ACTPS. Filling a vacancy by placing a suitable excess employee can be a very efficient and effective recruitment option as these employees are often very experienced, familiar with the ACTPS, and readily available for redeployment.

Excess and potentially excess officers with a potential match will be referred by Shared Services Recruitment to the contact officer for assessment by the selection committee for any permanent positions or temporary positions over six months, where that officer is at the same classification level or equivalent level. An excess or potentially excess officer need only be found suitable or able to be suitable within a reasonable timeframe, with reasonable training. Generally, a reasonable timeframe is considered to be three to six months.

The committee must submit a hard copy individual assessment and selection report signed by the delegate. If the outcome is that the excess officer is suitable, then an Instrument of Permanent Transfer or a Temporary transfer form will be completed. If the outcome is that the excess officer is unsuitable, then the position will proceed to advertising.

The consideration of an excess employee should be a genuine assessment of whether the employee is suitable for the vacancy and should emulate the same selection process to that which would apply to other applicants if the excess employee hadn't applied. Excess or potentially excess employees will be regarded as suitable so long as they can demonstrate they will be suitable with reasonable training and a reasonable period of time (generally three to six months). Where more than one excess employee applies, a competitive merit-based selection process should first be conducted to select the most suitable of the excess employees, noting that as per the Enterprise Agreement, an excess employee will be given preference over a potentially excess employee.

Excess or potentially excess employees from throughout the ACTPS may also apply for a vacancy that has already been advertised. Shared Services Recruitment will advise you whether this is the case, and if so, these applicants **must** be given preference and be considered in isolation and prior to applicants who are not excess. This applies whether the excess or potentially excess employee has a substantive level equivalent to that of the vacancy.

Option 2 - Transfer an existing ACTPS employee through consultation

A permanent transfer can only be made if the officer is at the same substantive level. For clarity, this does not allow for promotion and any transfer between Enterprise Agreements is subject to salary increment considerations. Officers that could be suitable and should be considered in this step include medical and loss of eligible person status employees. For further guidance on this option, refer to the relevant redeployment policies on the ACTPS employment portal and your Directorate HR team.

Did you know?

Before any permanent or temporary vacancy of six months or more is advertised, excess or potentially excess employees have to be given preference for transfer at their substantive level and must be considered in isolation from other applicants.

For more information, refer to: Section L5 (Redeployment) - ACTPS Enterprise Agreement and Section 122 (Redeployment) - The Public Sector Management Act.

In certain circumstances, it may be preferable to fill a vacancy by permanently transferring an existing ACTPS employee within a Directorate or between Directorates. A transfer can occur if an existing employee's skills, knowledge, and behavioural capabilities have been identified as being strongly aligned and suitable for the existing vacancy. An evidence-based approach should be applied to determine whether the employee meets the requirements for the position.

A transfer at substantive level is non-appealable.

A transfer is arranged through negotiation with the employee and by formulating agreement between the 'releasing' and 'receiving' managers in different Directorates or business units within a Directorate. The receiving manager initiates the transfer after verbal discussion with the releasing manager and the employee.

A transfer may be enabled under Section 92, 93, 94, 100, 108 or 109 of the PSM Act, which provides a vacancy delegate authority to transfer an employee between "administrative units" (Directorates) or within an "administrative unit" (Directorate). A transfer under section 92, 93 and 94 is facilitated through an **Instrument of Permanent Transfer** which is processed by Shared Services Recruitment. The Instrument of Permanent Transfer form requires the releasing manager's approval as well as approval from the receiving manager's delegate. The releasing manager does not need delegate approval.

It may also be used to initiate a permanent reduction in classification, with the officer's agreement. The Instrument of Permanent Transfer form can be accessed [here](#).

Additionally, if a permanent transfer has resulted from an employee's participation in a competitive merit-selection process, then the outcome of that process should be notified in the ACT Government Gazette (Section 29 – PSM Act).

Option 3 – Appoint or promote from an existing Order of Merit or Merit Pool

Another option is making an appointment or promotion from an existing order of merit (otherwise known as a merit list) or merit pool. A merit list or merit pool is a list of applicants who have been found suitable in a current or previous merit-based recruitment process conducted by a Directorate. Utilising a previously formed order of merit is highly advantageous as it provides you with access to a pool of assessed applicants, negating the need for a full recruitment process, saving time and resources and can be utilised across directorates.

Appointing or promoting from an order of merit is only an option for the same position or between vacancies with the same classification and same selection criteria (i.e. skills, knowledge and behavioural requirements). An order of merit is valid for 12 months from the date the delegate signs the selection committee report where the ranked applicants should be selected sequentially from the list. Shared

Transfer:

"Any movement of an officer to another office that is not a promotion".

For more information, refer to: Section 77 -79 (Transfer) - The Public Sector Management Standards.

Did you know?

An existing order of merit may be utilised up to 12 months from the date the delegate signs the selection committee report.

For more information, refer to: Section 8 (Comparative Assessment) - The Public Sector Management Standards 2016.

Services Recruitment can advise of any recent recruitment processes relevant to the vacancy you need to fill.

Should you find a suitable individual to fill your vacancy from an existing order of merit, you must complete the online **“Fill Identical Vacancy from Previous Merit Selection Process”** form, located [here](#) on the Jobs ACT website.

If the vacancy is at the Administrative Services Officer 5 Classification (ASO5), you may also consider the promotion of a Graduate Administrative Assistant (GAA) to fill your vacancy. A graduate may be promoted, without an additional merit-selection process, provided they have fulfilled all probationary requirements.

Your Directorate HR area can provide further advice on whether promoting a graduate is an appropriate option for the vacancy.

Option 4 - Advertise and conduct a competitive Merit-based Selection process

If a suitable employee from within the ACTPS has not been identified for transfer, it is a legislative requirement that permanent vacancies are advertised and filled through a competitive merit selection process. This is to ensure that all eligible individuals have a reasonable opportunity to apply and be considered for the vacancy, and that they are assessed on merit for their suitability for the role.

Advertising and conducting a competitive merit-based selection process is generally the most common method used to fill a permanent ACTPS vacancy. Under ACTPS employment legislation, permanent vacancies should be advertised in the ACT Government Gazette (incorporated on www.jobs.act.gov.au). The process is initiated by completing the **“Advertise a Vacancy”** form on the Shared Services website.

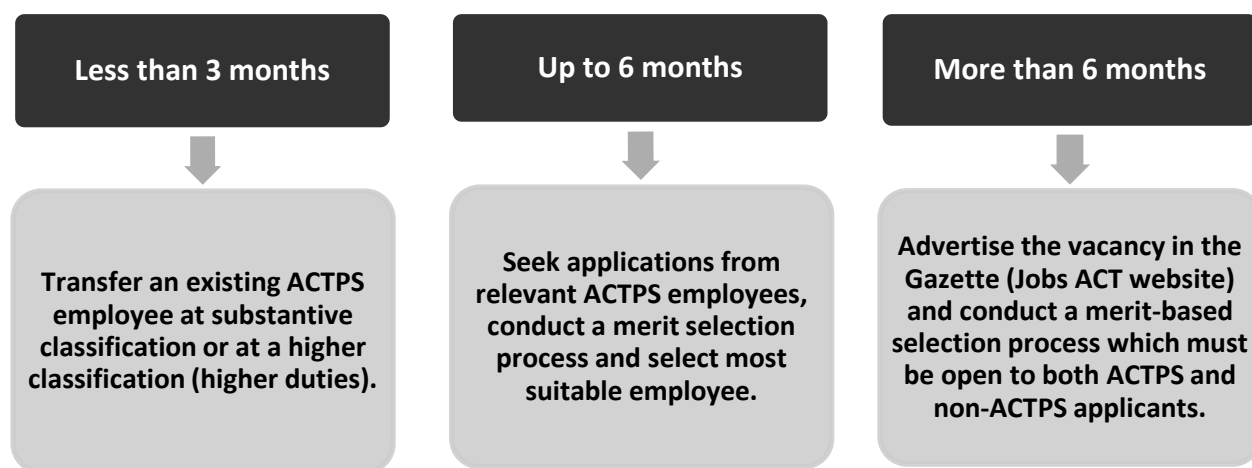
Temporary Vacancy

When filling a vacancy, consideration should be given to the ACT Government's commitment to promote permanent employment and minimise the use of temporary employees, labour hire contractors and consultants within the ACTPS. However, there may be legitimate reasons for advertising on a temporary basis, for instance when:

- a permanent employee is on leave or on temporary transfer for a fixed term;
- a new body of work is required for a fixed term or to complete a specified task or project;
- the work is not funded beyond a certain period of time; or
- the work is ad-hoc and infrequent.

Under ACTPS employment legislation, there are several ways by which a vacancy may be filled temporarily.

The options and recruitment processes vary slightly depending on the period of employment. There are also Directorate specific requirements and timeframes, so assistance should also be sought from your Directorate's HR area for information about the best option available for your specific recruitment activity.



Temporary Vacancy – Less than 3 months

For short-term vacancies of up to three months, the temporary transfer of existing ACTPS employees must be given preference where the most efficient person is transferred into the position in accordance with section 100 of the PSM Act.

Managers should take a balanced approach between ensuring that short term vacancies are filled as quickly and efficiently as possible, while still applying some form of merit-based selection principles, by selecting the most suitable applicants/s for the position based on the skills, knowledge and behavioural capabilities required for the role.

Under Section 27 of the PSM Act, the application of the merit and equity principle applies when recruiting for a vacancy of more than three months¹. However, when filling a vacancy of up to three months, a competitive selection process may still be conducted, but it can be a less comprehensive process – the onus is to demonstrate how merit has been applied under section 8(3) of the PSM Act.

For example, Directorates can circulate an Expression of Interest (EOI) email to staff within their Directorate. For larger Directorates this may be a branch level. Alternatively, to reach a whole of

¹ A comparative assessment is required under section 8 of the PSM Standards for prescribed selection processes.

government audience, these vacancies can be advertised on JobsACT, indicating that applications are only open to ACTPS employees. If advertising on the JobsACT website to attract applications from ACTPS employees, an **Advertise a Vacancy** form must be submitted via the Shared Services website.

Applicants may answer an expression of interest (EOI) by providing an appropriate written application (also referred to as a “Personal Pitch”), describing how their skills, knowledge, behavioural capabilities and experience relate to the duties of the position. Applications will be sent directly to the contact officer as no online application form is submitted – The hiring manager is responsible for verifying any applicant's employment status (i.e. if they are permanent, temporary or labour hire). Selection may be based on this written submission and referee reports only, while still ensuring that the selected applicant/s is suitable and will be able to fulfil the required duties and responsibilities of the position.

Labour hire staff are unable to apply for vacancies which state that the vacancy is only open to ACTPS employees. Please note that if a labour hire contractor is offered a temporary vacancy or permanent employment, the recruitment agency they are employed by may be liable to charge a placement fee. Please consult with Contractor Central.

Where an existing permanent ACTPS employee will be offered a temporary transfer or higher duties, a **Temporary Transfer/Higher Duties** form should be completed. There are some exceptions in certain Directorates. The temporary transfer of an existing ACTPS employee is generally at their substantive classification or to a higher classification (otherwise known as ‘higher duties’).

For an employee occupying a vacancy up to the ASO6 classification (or equivalent), higher duties must be paid for all acting periods of one or more days. For an employee occupying a vacancy at a classification higher than an ASO6 (or equivalent), higher duties is only payable for periods of five or more working days. A delegate may approve higher duties for a period less than five days in exceptional operational circumstances.

Higher Duties Allowance

“An allowance payable to an employee who is directed to temporarily perform the duties of a position with a higher classification”.

For more information, refer to the relevant Enterprise Agreement.

The selection of employees for higher duties, must be conducted in a fair and transparent manner, with all staff given a fair and reasonable opportunity for development. On commencement of higher duties an employee should normally be assigned to the first incremental salary point of that classification unless otherwise negotiated and approved by the delegate. The delegate is responsible for ensuring that all necessary documentation is retained substantiating the operational reasons as to why a period of higher duties allowance was approved.

Alternatively to employ someone on a temporary contract, a **Temporary Contract** form should be completed - this overrides previous temporary contracts.

Temporary Vacancy – Up to 6 months

Under Section 27 of the PSM Act, the application of the merit and equity principle applies when recruiting for a vacancy for more than three months². However, when filling a vacancy of up to six months, the process for assessing and selecting the suitable applicant/s should still be a competitive selection process but can be less comprehensive – the onus is to demonstrate how merit has been applied under section 8(3)

² A comparative assessment is required under section 8 of the PSM Standards for prescribed selection processes.

of the PSM Act. For example, applicants may answer an expression of interest (EOI) by providing a two-page written application (also referred to as a “Personal Pitch”), describing how their skills, knowledge, behavioural capabilities and experiences relate to the duties of the position. Selection may be based on this written submission and referee reports only, while still ensuring that the selected applicant/s is suitable and will be able to fulfil the required duties and responsibilities of the position.

An **Advertise a Vacancy** form must be submitted via the Shared Services website. Applications will be sent directly to contact officers as no online application form is submitted – The hiring manager is responsible for verifying any applicant's employment status (i.e. if they are permanent, temporary or labour hire). Labour hire staff are unable to apply vacancies which state that the vacancy is only open to ACTPS employees.

Please note that if a labour hire contractor is offered a temporary vacancy or permanent employment, the recruitment agency they are employed by may be liable to charge a placement fee. Please consult with Contractor Central.

Under sub-clause A2.2 of the Enterprise Agreement, preference must be given to existing permanent ACTPS officers when offering temporary opportunities. The vacancy may be advertised on the JobsACT website only when the delegate is satisfied that:

- there is no appropriate officer **available at level** within the ACTPS with the expertise, skills or qualifications required for the role; or
- there is a need for the performance of urgent or specialised work and it is not practical in the circumstances to use the services of an existing ACTPS officer³.

To employ someone on a temporary contract, a **Temporary Contract** form should be completed.

Temporary Vacancy – More than 6 months

Under Section 27 of the PSM Act and sections 7, 8 and 11 of the PSM Standards, a temporary vacancy of six months or longer must be advertised in the ACTPS Gazette (on the JobsACT website), and a competitive merit selection process undertaken.

In order to ensure a fair and unbiased selection of the most suitable candidate, your assessment methods should be the same as those utilised in filling a permanent vacancy.

Submit an **Advertise a Vacancy** form via the Shared Services website. Applications will be made via the online application form (except for Canberra Health Services and some other limited areas) and will be sent to the contact officer as soon as possible after the position closes. Selection committees should be aware that appeals can be made against temp transfers/higher duties over six months.

There is a requirement in section 110 of the PSM Act for the principal union to be consulted about temporary employment for 12 months or more. Union consultation is required for temporary vacancies

Did you know?

A position that is expected to be vacant for a period of six months or longer must be advertised in the ACTPS Gazette (JobsACT).

For more information, refer to: Section 27 (Application of the merit and equity principle) – The Public Sector Management Act 1994, and Section 7 (Advertising) and 11 (employment up to 12 months) of the Public Sector Management Standards 2016.

Did you know?

For the purposes of sub-clause A2.2 of the Enterprise Agreement, an ‘available’ officer in the service means an officer **available at level**.

³ Also see section 25 (employees) of the PSM Act.

that are initially advertised for under 12 months duration with the possibility of extension if the extension of the temporary vacancy results in the vacancy being temporarily filled for a period of 12 months or more. Please contact your Directorate's HR area for further advice on the process for union consultation.

You should determine as early as possible whether the vacancy will be ongoing and can be filled on a permanent basis. If there is a genuine and justifiable temporary employment need for twelve months or longer, the relevant union must be consulted. Advice must be sought from your Directorate's HR area.

Seasonal Employment

Clause B1 in the Enterprise Agreement provides for fixed-term employment for seasonal employees for a three year period on a temporary basis, with the possibility of an extension of a further two year contract without the need for further advertisement. Seasonal employees work for certain periods during consecutive seasons (the active employment periods) whereby the start and end dates of each employment period are specified in the contract. Seasonal employment is different from casual employment and there are circumstances where it is appropriate to employee people as seasonal employees such as seasonal fire crews or seasonal fire operations field officers. Please consult with your Directorate's HR area on whether seasonal employment is appropriate in your circumstances or for further information.

Labour Hire Recruitment Agencies

It is recognised that certain specialist vacancies may be difficult to fill on a short-term basis through direct advertising and a standard recruitment process. In these circumstances, it may be more efficient to utilise the services of professional recruitment agencies. The ACTPS has a procurement arrangement with Contractor Central to assist with sourcing Labour Hire contractors (also known as Contingent workers) through recruitment agencies. Some directorates also deal directly with approved recruitment agencies. These contractors are employed by their recruitment agency and contracted to the ACTPS, usually on an hourly basis.

This method of engaging staff is very costly and should be used exclusively for short term contracts and projects where specialist knowledge or skills are required. Prior to engaging an employee through Contractor Central, you should consider the financial costs associated, and check the preferred method of engagement with your Directorate's HR area.

Temporary Employment Registers

Under section 10 of the PSM Standards the head of service, or directors-general may establish a register of expressions of interest from people for short-term employment.

Some Directorates within the ACTPS maintain registers to provide an easily accessible source of interested candidates for temporary vacancies. Temporary registers are advertised through the JobsACT website. Please consult with your Directorate HR team about the rules governing your Directorate's register and the possibility of accessing the current list.

Temporary registers are only valid for 12 months. An applicant who is on the register can be engaged on a temporary contract or alternatively through a fee for service arrangement.

Temporary with possibility of permanency

Advertising a position in this way should not be used as "try before you buy". It should only be used and limited to situations where a Directorate is reasonably confident that the position will become permanent,

e.g. where a staff member is transitioning to retirement and is on extended long service leave pending retirement. The benefit of advertising in this way means that once the staff member has retired, provided the selection report is still valid within 12 months of the delegate approval, the person can be offered the role permanently without further advertising.

Temporary with possibility of extension

If there is the possibility that a role may be extended short-term (e.g. a few weeks), this may be a suitable way to advertise a role. However, consideration should be given to whether the extension will be up to six months or more than six months, or whether it will exceed 12 months. Best practice is to select the option that is the longest expected timeframe as it is more time efficient and compliant with required merit selection processes.

There is a requirement in section 110 of the PSM Act for the principle union to be consulted about temporary employment for 12 months or more. Subsequently, the principle union must be consulted prior to the advertisement of a temporary vacancy that is advertised with the possibility of extension, if an extension would result in the temporary vacancy being filled for a period of 12 months or greater.

Please consult with your Directorate HR team before progressing.

Review

This document is an attachment to the ACTPS Recruitment Policy and Guidelines 2021 and is due for review in line with the policy.

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