

Communication Guidance Materials – Medical Redeployment



Published date: 1/10/2021

Issued by: WhoG IR&PSE, WCAG, CMTEDD

Purpose

1. The information provided in this guide is for educational and informational purposes. The following examples of possible communication to employees provide suggestions and guidance to directorates as they step through the medical redeployment process set out in the Medical Redeployment Policy. Directorates may like to adapt these examples to meet their particular agency needs. These examples do not replace the requirement for directorates to read and understand their obligations under legislation and the Medical Redeployment Policy.

Communication Guidance Materials

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Further Information

14. If you have further questions about producing communication material for individual medical redeployment matters, please contact the Whole of Government Industrial Relations and Public Sector Employment team, Workforce Capability and Governance, Chief Ministers Treasury and Economic Development Directorate on EBA@act.gov.au

Review

15. This guide is due for review in line with the Medical Redeployment Policy, 3 years from the last issued or reviewed date, or earlier where there are changes that affect the operation of this guide.

| | |
|--|--|
| Document name: | Prepared by: Whole of Government Industrial Relations and Public Sector Employment team, Workforce Capability and Governance, CMTEDD |
| Policy Number: <i>Medical Redeployment Policy No</i> | Feedback to: EBA@act.gov.au |
| Issue Date: 1 October 2021 | Review Date: 1 October 2024 |

Attachment 1 - Medical examination under Enterprise Agreement

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Medical examination under the Enterprise Agreement

I advise that I have arranged for you to attend a medical examination that is necessary under the provisions of the Enterprise Agreement.

Referral for medical examination

Under subclause [F4.30 of the *ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021*], the head of service may refer an employee for a medical examination by a nominated registered medical practitioner or registered health professional, or nominated panel of registered medical practitioners or registered health professionals, at any time for reasons including where:

- F4.30.1 the head of service is concerned about the wellbeing of an employee and considers that the health of the employee is affecting, or has a reasonable expectation that it may affect, the employee's ability to adequately perform their duties;
- F4.30.2 the head of service considers that documentary evidence supplied in support of an absence due to personal illness or injury is inadequate; or
- F4.30.3 the employee has been absent on account of illness for a total of thirteen weeks in any twenty-six-week period.

On this occasion, I consider that clause [F4.30.1, F4.30.2 or F4.30.3] is applicable to your circumstances. **[provide further information as to why]**

Requirement to attend medical examination

[If appropriate: Where an employee has a medical condition, which impacts on their capacity to undertake their usual work, the Directorate is required to consider what reasonable adjustments could be made to enable the employee to continue to work.]

You are required to attend a medical examination as follows:

| | |
|--------------------------|--|
| Name of provider: | |
|--------------------------|--|

| | |
|------------------|--|
| Doctor: | |
| Date: | |
| Time: | |
| Location: | |

This examination will be paid for by the [insert name] Directorate.

The purpose of the medical examination is to seek further medical information to:

- a) assess your capacity to perform the required duties of your position;
- b) assess whether any reasonable adjustments could be made to enable you to continue to work in your position; and
- c) provide comprehensive information on your current and future capacity to perform the duties of your position.

To assist with making an informed assessment, records relating to your personal leave; medical certificates/history; position description and a workplace statement may be provided to [doctor] for consideration.

In accordance with the *Health Records (Privacy and Access) Act 1997* (ACT) you have the right to access the information we collect, use and/or disclose regarding your personal health information for the purpose of your medical examination. Your report and personal health information will be handled in accordance with privacy principles.

You may submit supporting material such as any medical reports you might hold for consideration by [doctor]. Please submit any such material through to [name of contact officer] to be forwarded to [doctor] on or before the close of business on [date]. You should be aware that it may constitute misconduct if you provide false medical evidence.

[If appropriate: I have attached a copy of the request for the medical examination.]

At the time of your appointment you will be required to complete a medical consent form. Failure to complete this form will mean the assessment cannot be undertaken. If the assessment cannot be undertaken for this reason it may be regarded as a breach of Section 9(1)(c)(ii) of the *Public Sector Management Act 1994* (PSM Act).

Process after the assessment

If the medical examination determines that you are not able to perform the functions of your position because of a non-compensable health condition, there are a number of potential outcomes. These include, but are not limited to: adjustment to duties, becoming an unattached officer, finding or being placed in an alternative position, or commencement of the redeployment process under section 122 of the PSM ACT which can lead to redeployment, permanent reduction in classification or retirement.

Employee Assistance Program

I understand this is a difficult time. Should you require any additional support in relation to this matter, the Employee Assistance Program (EAP) offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

Questions

Should you have any questions in the meantime regarding this medical examination, please contact [name] on [phone number] or [email].

Yours sincerely

[name]
[position title]

August 2022

Attachments:

- Request for medical examination and pre-assessment paperwork

Attachment 2 – Advising possible health assessment s34 PSM Standards

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Notice of your possible requirement to attend a Health Assessment

I am writing because I hold concerns that you may have a significantly reduced capacity to perform the functions of your position as [position title], [business unit], [administrative unit] (position number) due to a medical condition.

I hold this belief because [you must provide the basis for this belief] [your treating doctor has advised that you are likely to be absent for [x] weeks *or* you have been absent from work for more than 13 weeks *or* other reason], your condition is not related to a worker's compensation claim (that is, a claim made under the *Safety, Rehabilitation and Compensation Act 1988*) and this condition significantly reduces your capacity to exercise the functions of your role.

[Provide further evidence to demonstrate the employee's reduced capacity to perform the functions of their position e.g. document the duties that are required in the position, assess the relevance of the proportion of duties that cannot be performed, take into account any existing medical advice]

In accordance with section 34 of the *Public Sector Management Standards 2016* (PSM Standards), I invite you to provide me with evidence that demonstrates that you are able to perform the functions required in your position. Would you kindly provide me this information within fourteen (14) days from the date of this letter and I will review and consider any further evidence provided by you. If further evidence is not provided within this timeframe or if the evidence you provide does not satisfy me that you are able to perform the functions of your role, I will require you to have a health assessment of your medical condition in accordance with section 35(1) of the PSM Standards.

The purpose of a health assessment is to provide advice on [.....]

I note that a health assessment must consider any previous assessment about your non-compensable physical or mental condition (section 36(2) of the PSM Standards). The health assessment will be paid for by [Administrative Unit].

You should be aware that it may constitute misconduct if you provide false medical evidence.

If the health assessment determines that you are not able to perform the functions of your position because of a non-compensable health condition [*choose which one applies: for confirmed permanent officers* – you will be taken to be incapacitated to perform your position under s122 of the PSM Act and will go through the redeployment process. *For officers on*

probation or temporary employees – the Head of Service (or delegate) may end your employment].

This may be a difficult time and I encourage you to seek support during this process. Should you require any additional independent support in relation to this matter, the Employee Assistance Program (EAP) offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

Should you have any questions in relation to this matter, please contact [name] on [phone number] or [email]. I look forward to receiving any further evidence you may wish to provide about your ability to perform the functions of your position.

Yours sincerely

[name]

[position title]

August 2022

Attachment 3 – Requirement to attend a health assessment

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Health Assessment under the Public Sector Management Standards 2016

I am writing to advise that I have arranged for you to attend a Health Assessment that is required under the Public Sector Management Standards 2016 (PSM Standards).

Referral for health assessment

I refer to my previous request that you provide evidence under section 34 of the PSM Standards demonstrating that you are able to perform the functions of your position. [Having considered the evidence that you have provided *or* As you did not provide further evidence relating to your medical condition], I have reached the view that you have a non-compensable physical / mental [delete which does not apply] condition that significantly reduces your capacity to exercise the functions of your position. Accordingly, I am required under section 35(1) of the PSM Standards to arrange for you to undergo a health assessment of your physical / mental (delete which does not apply) condition.

I hold this belief because **[you must provide the basis for this belief]** and this condition significantly reduces your capacity to exercise the functions of your role.

Provide further evidence to demonstrate the employee's reduced capacity to perform the functions of their position eg. document the duties that are required in the position, assess the relevance of the proportion of duties that cannot be performed, take into account any existing medical advice]

The purpose of the health assessment is to provide advice on.....

Requirement to attend health assessment

[If appropriate: Where an employee has a medical condition, which impacts on their capacity to undertake their usual work, the Directorate is required to consider what reasonable adjustments could be made to enable the employee to continue to work.]

You are required to attend a health assessment as follows:

| | |
|--|---|
| Name of provider: | |
| Doctor: | |
| Health assessment undertaken by | Authorised doctor other than the public servant's treating doctor/a medical specialist authorised by the head of service/medical review panel |

| | |
|------------------|--|
| Date: | |
| Time: | |
| Location: | |

This health assessment will be paid for by the [insert name] Directorate.

The purpose of the medical examination is to seek further medical information to:

- a) assess your capacity to perform the required duties of your position;
- b) assess whether any reasonable adjustments could be made to enable you to continue to work in your position; and
- c) provide comprehensive information on your current and future capacity to perform the duties of your position.

To assist with making an informed assessment, records relating to your personal leave; medical certificates/history; position description and a workplace statement may be provided to [doctor] for consideration. Under section 36(2) of the PSM Standards 2016, the health assessment must consider any previous assessment about your non-compensable physical or mental condition.

In accordance with the *Health Records (Privacy and Access) Act 1997* (ACT) you have the right to access the information we collect, use and/or disclose regarding your personal health information for the purpose of your medical examination. Your report and personal health information will be handled in accordance with privacy principles.

You may submit supporting material such as any medical reports you might hold for consideration by [doctor]. Please submit any such material through to [name of contact officer] to be forwarded to [doctor] on or before the close of business on [date]. You should be aware that it may constitute misconduct if you provide false medical evidence.

Please find attached a copy of the request for the health assessment. You will also be provided with a copy of the health assessment as soon as practicable after receiving it, in accordance with section 37 of the PSM Standards.

At the time of your appointment you will be required to complete a medical consent form. Failure to complete this form will mean the assessment cannot be undertaken. If the assessment cannot be undertaken for this reason it may be regarded as a breach of Section 9(1)(c)(ii) of the *Public Sector Management Act 1994* (PSM Act).

Process after the assessment

If the Health Assessment determines that you are not able to perform the functions of your position because of a non-compensable health condition, there are a number of potential outcomes. These include, but are not limited to: adjustment to duties, becoming an unattached officer, finding or being placed in an alternative position, or commencement of the redeployment process under section 122 of the PSM ACT which can lead to redeployment, permanent reduction in classification or retirement.

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Employee Assistance Program

I understand this may be a difficult time for you. Should you require any additional support in relation to this process, the Employee Assistance Program (EAP) offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

Questions

Should you have any questions in relation to this health assessment, please contact [name] on [phone number] or [email].

Yours sincerely

[name]
[position title]

August 2022

Attachments:

- Request for health assessment and pre-assessment paperwork

Attachment 4 – Post assessment initiation of redeployment s122 PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

[Medical Examination under the Enterprise Agreement/Health Assessment under the Public Sector Management Standards 2016] - Outcome and next steps

Thank you for attending the [medical examination/health assessment] with [name of doctor] on [date].

[The medical examination was undertaken under clause F4.30 of the ACT Public Sector Administrative and Related Classifications Enterprise Agreement 2018-2021 (*change reference if different EA is applicable*).

OR

The health assessment was undertaken pursuant to section 35(1)(a) of the Public Sector Management Standards 2016 (PSM Standards).]

[Name of doctor] provided [directorate name] with a report dated [date], a copy of which has been attached for your records.

[summarise the medical examination/health assessment]

Determination of incapacity

Having reviewed the medical examination/health assessment, in accordance with Part 6, section 122 of the *Public Sector Management Act 1994* (PSM Act), I am satisfied on reasonable grounds that you are incapacitated in your role as a [position title], [business unit] [classification, position number]. Under the PSM Act, an officer is incapacitated if the officer is unable to exercise functions appropriate to the officer's classification because of physical or mental incapacity.

[if total incapacity to perform any work: [name of doctor] has made a medical assessment that you are not able to perform any type of work now or in the future. If you are able to provide evidence that you have capacity to perform your job within 14 days of this letter, I may review this decision. I have attached the factsheet 'Information for ACTPS Employees who have total and permanent incapacity to perform work' which provides further information about the process for ACTPS employees with total permanent incapacity to work.]

Date Issued: 1/10/2021
CMTEDD

Issued by: WhoG IR&PSE, WCAG,

Becoming an unattached officer on medical grounds

[If applicable: In accordance with Part 5, Division 5.9, section 115 of the PSM Act, I advise that you will become an unattached officer on [insert date]. Please note that your employment and conditions of service (including remuneration) remain unaffected. Unattachment is an internal process which severs the link between you and your position, but your employment relationship with the ACT Public Service remains.]

Medical redeployment

I advise that the redeployment process will now commence under section 122 of the PSM Act. For your reference, I have attached sections 120-124 of the PSM Act which provide information about how this process is applied.

In summary, the director-general (or delegate) must take reasonable steps to find a vacant office that you are eligible for. Eligibility for redeployment will be assessed according to your skills, work experience and the medical assessment of capacity to work. You will be provided with further advice about vacant offices within the directorate.

Where you do not consent to be transferred into a vacant office or a suitable vacant office cannot be found, your redeployment will be referred to the Head of Service to find a vacant office in the ACT Public Service. At this time, further advice will be provided to you about vacant offices in the ACT Public Service.

If the Head of Service cannot find a suitable vacant office to which you consent to be transferred, the Head of Service must refer your unsuccessful redeployment back to the director-general (or delegate), where a reduction in classification or retirement will be considered under section 123 of the PSM Act.

This may be a difficult time and I encourage you to seek support if you feel you need assistance with this process. Should you require any additional support, the Employee Assistance Program (EAP) offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling. The *CareerAssist* program offered through Converge can assist with resume preparation and expanding job seeking skills.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

If you have any questions in the meantime regarding the redeployment process, please contact [name] on [phone number] or [email].

Yours sincerely

[name]
[position title]

August 2022

Attachments:

- Copy of medical examination/health assessment
- Sections 120 – 124 of the *Public Sector Management Act 1994*
- [if applicable: Information for ACTPS Employees who have total and permanent incapacity to perform work]

Attachment 5 – Letter of offer of suitable vacant position s122(2)(b)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Letter of Offer – Redeployment under section 122 of the *Public Sector Management Act 1994*

Further to my letter dated [date] advising that the redeployment process under section 122 of the *Public Sector Management Act 1994* (the PSM Act) has commenced, I am writing to advise you that a suitable vacant office has been identified for your redeployment. I am pleased to offer you the position of [position title], [business unit], [administrative unit] (position number). This position is offered to you in accordance with section 122(2)(b)(i) of the PSM Act.

I have attached a position description for your consideration. The position description provides an overview of the position including a description of your role and responsibilities. For further information about this position, please contact [name] on [phone] or [email].

Pursuant to section 122(2)(b)(ii) of the PSM Act, if you accept this offer, arrangements will be made to transfer you to the vacant office. If you choose to decline this offer, your redeployment will be referred to the Head of Service for consideration in accordance with section 122(3) of the PSM Act.

I note that under section 23 of the Public Sector Management Standards 2016, you may, at any time, ask the head of service, in writing, to reduce your classification by:

- a) transferring you to an office with a lower classification; or
- b) declaring you to be an unattached officer with a lower classification.

Would you please advise me in writing whether you agree to transfer into the position of [position title], [business unit] (position number) no later than [DATE].

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

[Position]

August 2022

Attachments:

- Position description

Attachment 6 – Confirmation of transfer s122(2)(b)(ii) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Transfer to vacant office – Redeployment under section 122 of the *Public Sector Management Act 1994*

I refer to your letter/email dated [date] in relation to the offer to transfer you into the position of [position title], [business unit], [administrative unit] (position number) in accordance with section 122(2)(b)(i) the *Public Sector Management Act 1994* (the PSM Act).

I am pleased that you have accepted the offer to be transferred into this position.

An [Instrument of Permanent Transfer](#) will shortly be processed in accordance with section 122(2)(b)(ii) of the PSM Act.

Please contact [name] on [phone] or [email] to confirm the commencement date of the transfer and to make the necessary arrangements for starting your new position.

I would like to confirm that this is the end of the redeployment process and section 122 of the PSM Act no longer applies. I wish you well in your new position.

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

[position title]

August 2022

Attachment 7 – letter to officer referring redeployment to HoS s122(2)(b)(iii) or 122(2)(c)

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Redeployment under section 122 of the *Public Sector Management Act 1994*

I am writing to you in relation to the redeployment process under section 122 of the *Public Sector Management Act 1994* (PSM Act) and the offer to transfer you into a suitable position in accordance with section 122(2)(b)(i) of the Act. I note your reply dated [date] advising that you do not accept the offer to transfer into the recent position of [position title], [business unit], [administrative unit] (position number).

OR

I am writing to you in relation to the redeployment process under section 122 of the *Public Sector Management Act 1994* (PSM Act).

Under section 122(2) of the Act, the Director-General (or delegate) is required to take reasonable steps to find a vacant office that you are eligible for. Unfortunately the Director-General (or delegate) has not been able to find a suitable vacant position for you in the directorate.

As a result, under section [122(2)(b)(iii) or 122(2)(c)] I will be referring your proposed redeployment to the Head of Service for consideration in accordance with section 122(3) of the PSM Act. Under this provision, the Head of Service is required to take reasonable steps to identify a vacant office in the ACT Public Service that you are eligible for.

I note that under section 23 of the Public Sector Management Standards 2016, you may, at any time, ask the head of service, in writing, to reduce your classification by:

- a) transferring you to an office with a lower classification; or
- b) declaring you to be an unattached officer with a lower classification.

I understand this continues to be a difficult time. Should you require any support in relation to this matter, the Employee Assistance Program (EAP) offers free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

The ACT Government has contracted four providers for you to choose from, as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

If you have any questions in relation to this process under the PSM Act, please contact [name] on [phone number] or [email].

Yours sincerely

[name]

[Position]

August 2022

Attachment 8 – Seeking comments from officer s123(2)(a)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

I refer to previous advice that the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (PSM Act) back to the Director-General (or delegate).

The next stage of the process is that a reduction in classification, unattachment or retirement will now be considered in accordance with section 123 of the PSM Act. I have attached section 123 of the PSM Act for your information.

Under section 123, the Director-General (or delegate) may:

- a) reduce your classification by:
 - (i) transferring you to an office with a lower classification; or
 - (ii) declare, in consultation with the Head of Service, you to be an unattached officer of a lower classification; or
- b) retire you from the ACT Public Service.

I note that division 5.9 of the PSM Act deals with unattached officers and specifically section 115 provides for becoming an unattached officer on medical grounds. Unattachment is an internal process which severs the link between you and a particular position, but your employment relationship remains in place. An officer who becomes attached on medical grounds performs duties at a lower classification (consistent with their skill set and medical capacity) and is paid at the applicable lower classification rate. If you are declared an unattached officer, you can choose to take any paid leave entitlements or alternatively take unpaid leave.

Under section 31 of the *Public Sector Management Standards 2016*, you may make a written request that the Head of Service retire you from the ACT Public Service. You should be aware that there are limitations on retirement on the grounds of invalidity (see section 124 of the PSM Act).

To assist me with consideration of this matter, I am seeking your comments and any further information you may wish to provide in relation to the proposed options under section 123 of the PSM Act.

The Employee Assistance Program (EAP) remains available to you to provide free, professional and confidential services to support you and your immediate family members through both personal and work-related issues, including financial counselling, career assistance and vocational counselling.

I ask that you please provide me with your comments in writing within fourteen (14) days of the date of this letter.

Should you require any further information in relation to this matter, please contact [name] on (02) _____ or email _____.

Yours sincerely

[name]
[position title]

August 2022

Attachments:

- Section 123 of the *Public Sector Management Act 1994*

Section 123 *Public Sector Management Act 1994* (ACT)

123 Reduction in classification or retirement

- (1) This section applies to an officer whose unsuccessful redeployment is referred to the director-general under section 122 (4).
- (2) The director-general may, with written notice to the officer—
 - (a) reduce the officer's classification by—
 - (i) transferring the officer to an office with a lower classification; or
 - (ii) declaring, in consultation with the head of service, the officer to be an unattached officer of a lower classification; or
 - (b) retire the officer from the service.
- (3) A decision under subsection (2) is an appellable decision.
- (4) If the officer agrees to a reduction in classification or retirement, the date of effect of the action is—
 - (a) for an incapacitated officer—a day agreed, in writing, between the officer and the director-general; or
 - (b) for an ineligible or an excess officer—any day after the day the notice was given that is agreed, in writing, between the officer and the director-general.
- (5) If the officer does not agree to a reduction in classification or retirement, the date of effect of the action is—

- (a) if an industrial instrument applies to the officer and states a retention period for the circumstances—the day after the end of the retention period; or
- (b) if paragraph (a) does not apply—the latest of the following:
 - (i) the day stated in the notice;
 - (ii) the day 1 month after the day the notice was given to the officer;
 - (iii) if the officer appeals, but then withdraws the appeal—the day the appeal is withdrawn;
 - (iv) if the officer appeals and the appeal upholds the giving of the notice—the day the appeal is decided.

Attachment 9 – Transfer and reduction of classification s123(2)(a)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

As you would be aware, the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (the PSM Act) back to the Director-General (or delegate).

I refer to my letter on [date] seeking your comments in relation to the options available under section 123 of the PSM Act. I have considered the comments you provided in your letter dated [date] together with information relating to the steps that have been taken to redeploy you.

Please find attached an outline of the attempts made to redeploy you under section 122.

Having considered all relevant information and your circumstances, I have decided that your classification will be reduced to [insert classification], in accordance with section 123(2)(a)(i) of the PSM Act.

A suitable vacant office has been identified with a lower classification that is consistent with your skill set and medical capacity. I am pleased to advise that you will be transferred into the position of [position title and classification], [business unit], [administrative unit] (position number).

I have attached a position description for your reference. The position description provides an overview of the position including a description of your role and responsibilities. For further information about this position, please contact [name] on [phone] or [email].

Please contact [name] on [phone] or [email] to make the necessary arrangements for the commencement of your new position.

I advise that this decision is appealable under section 123(3) of the PSM Act. This means that you may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

Further, you may make a written request that the Head of Service retire you from the ACT Public Service under section 31 of the *Public Sector Management Standards 2016*. Please note that there are limitations on retirement on the grounds of invalidity (see section 124 of the PSM Act).

If you agree to this reduction in classification, the arrangement will take effect on **[a day agreed, in writing, between the officer and the director-general]**

I advise that if you choose not to agree to a reduction in classification, the arrangement will take effect on the latest of the following:

- the day stated in this notice;
- the day 1 month after the day this notice was given to you;
- if you appeal the decision and withdraw the appeal, the day after the appeal is withdrawn; or
- if you appeal the decision and the appeal upholds the giving of the notice, the day the appeal is decided.

Should you require any additional support in relation to this matter, the Employee Assistance Program (EAP) can provide you with free, professional and confidential services to support you and your immediate family members through both personal and work-related issues.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

Please advise me in writing by [date] whether you agree to the reduction in classification and transfer into the above position. Should you require any further information in relation to this matter, please contact me on (02) _____ or email _____.

I look forward to hearing from you.

Yours sincerely

[name]

[position title]

August 2022

Attachments:

- Outline of the attempts made to redeploy Officer under section 122
- Position description

Attachment 10 – Confirmation of transfer and reduction of classification s123(2)(a)(i) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

Reduction in classification – Redeployment under section 122 of the *Public Sector Management Act 1994*

I refer to your letter/email dated [date] in relation to the decision to reduce your classification and transfer you into the position of [position title], [business unit], [administrative unit] (position number) in accordance with section 123(2)(i) of the PSM Act.

I am pleased that you have consented to be transferred into this position.

An [Instrument of Permanent Transfer](#) will shortly be processed in accordance with section 123(2)(a)(i) of the PSM Act.

Please contact [name] on [phone] or [email] to confirm the commencement date of the transfer and to make the necessary arrangements for starting your new position.

I would like to confirm that this is the end of the redeployment process which means that sections 122 and 123 of the PSM Act no longer apply. I wish you well in your new position.

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

[position title]

August 2022

Attachment 11 – Unattached and reduction of classification s123(2)(a)(ii) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

As you are aware, the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (the PSM Act) back to the Director-General (or delegate).

I refer to my letter on [date] seeking your comments in relation to the options available under section 123 of the PSM Act. I have considered the comments you provided in your letter dated [date] together with information relating to the steps that have been taken to redeploy you.

Please find attached an outline of the attempts made to redeploy you under section 122.

Having considered all relevant information and your circumstances, and in consultation with the Head of Service, I have decided to provide you notice that in accordance with section 123(2)(a)(ii) of the PSM Act, I declare you to be an unattached officer at the lower classification of [insert classification]. An unattached officer is an officer who does not hold an office. For administrative purposes, the unattached position number will be [insert number] and you will become an unattached officer on [date], in accordance with section 115 of the PSM Act.

Unattachment is an internal process which severs the link between you and a particular position, but the employment relationship remains in place. As an officer who has become unattached on medical grounds, you will perform duties at a lower classification (consistent with your skill set and medical capacity) and will be paid at the applicable lower classification rate. Your other conditions of service remain unaffected. You continue to have the option to access your paid leave entitlements or alternatively take unpaid leave.

Section 123(3) of the PSM Act provides that this decision is appealable. This means that you may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

Further, under section 31 of the *Public Sector Management Standards 2016*, you may request, in writing, that the Head of Service retire you from the ACT Public Service. You should note that there are limitations on retirement on the grounds of invalidity (see section 124 of the PSM Act).

Should you require any additional support in relation to this matter, the Employee Assistance Program (EAP) remains available to provide you with free, professional and confidential services to support you and your immediate family members through both personal and work-related issues.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

Should you require any further information, please contact me on (02) _____ or email _____.

Yours sincerely

[name]

[position title]

August 2022

Attachments:

- Outline of the attempts made to redeploy Officer under section 122

Attachment 12 – Retirement s123(2)(b) PSM Act

[title] [first name] [surname]

[agency name]

[postal address]

Email:

Dear [title] [surname]

As you would be aware, the Head of Service has referred your unsuccessful redeployment under section 122 of the *Public Sector Management Act 1994* (PSM Act) back to the Director-General (or delegate).

I refer to my letter on [date] seeking your comments in relation to the options available under section 123 of the PSM Act. I have considered the comments you provided in your letter dated [date] together with information relating to the steps that have been taken to redeploy you. Please find attached an outline of the attempts made to redeploy you under section 122.

Attach outline of reasons

Having considered all relevant information and your circumstances, I have decided to retire you from the ACT Public Service in accordance with section 123(2)(b) of the PSM Act.

[Outline reasons for retirement – required under s42 PSM Standards]

Section 123(3) of the PSM Act provides that this decision is appellable. This means that you may apply to the ACT Civil and Administrative Tribunal for a review of the decision.

[If you agree to retirement, the arrangement will take effect on a date agreed in writing between you and the Director-General (or delegate).

If you choose not to agree to retirement, under section 123(5) of the PSM Act, the arrangement will take effect on the day one (1) month after the day this notice was given to you, unless you choose to appeal this decision.

[OR if employee is a member of **PSS**, **PSSap** or **CSS** the officer cannot be retired on the ground of incapacity under s123(2)(b) *unless they receive the relevant certificate in accordance with s124*. In accordance with section 124 of the PSM Act we will now partner with Injury Management, within the Workplace Safety and Industrial Relations Group (phone 6205 4519 or email injurymanagement@act.gov.au) and take steps to apply for an Invalidity Retirement Certificate for you. Once we have obtained this certificate, your retirement will be progressed in accordance with section 123(4) or 123(5) of the PSM Act.]

We strongly encourage you to talk to your superannuation fund or income protection insurance provider in relation to any available superannuation or insurance benefits arising from your retirement.

Should you require any additional support in relation to this matter, you are reminded that the Employee Assistance Program (EAP) can provide you with free, professional and confidential services to support you and your immediate family members through both personal and work-related issues.

The ACT Government has contracted a primary provider as follows:

| Service | Phone | Website |
|------------------------|--------------|--|
| Converge International | 1300 687 327 | www.convergeinternational.com.au |

I ask that you please advise me in writing whether you agree to being retired from the ACT Public Service by [DATE].

Should you require any further information, please contact me on (02) _____ or email _____.

I would like to take this opportunity to thank you for the contribution you have made to the ACT Public Service and the ACT community. I wish you well for the future.

Yours sincerely

[name]

[position title]

August 2022

Attachments:

- Outline of the attempts made to redeploy Officer under section 122