

Name of Policy	Management of Staff Unattached from Substantive Position Policy	
Description of Policy		
<input type="checkbox"/> New Policy		<input type="checkbox"/> Revision
Description of Revision	<i>Delete</i> Please type brief description of the deletion and specify information to be deleted	
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Human Resources Directorate

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1. Background Information

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

2. Policy Statement

When a staff member elects to take Child Rearing leave after a period of 52 weeks parental leave, Leave Without Pay (LWOP) in excess of 52 weeks, or any consecutive periods, including any extension which brings the total period of leave without pay to be in excess of 52 weeks, or undertakes a secondment greater than 104 weeks including any extension which brings the total period of secondment to greater than 104 weeks, as a condition for approval they she/he must agree in writing to becoming unattached from their position at ACU so as to enable the University to substantively fill the position to meet ongoing operational requirements.

3. Policy Purpose

The University will endeavour wherever possible to the place an unattached staff member returning 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 her/him being unattached from a substantive position. It also outlines the procedures that apply when an unattached staff member gives notice that she/he wishes to return to work.

4. Application of Policy

4.1 General Application

When a staff member enters into a written agreement, in line with relevant University Policy, to become unattached from a substantive position she/he occupies she/he remains a staff member of the University in line with her/his current contract of employment.

The staff member will, until she/he returns to work, be unattached from the position within the organisational structure where she/he was previously appointed.

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 procedures.

A staff member who is unattached from a substantive position will confirm her/his interest in returning to work by providing at least 2 months written notice to the Director, Human Resources. The written notice will include the date that the staff member wishes to return to work and the fraction at which she/he wishes to return if less than her/his previous fraction. The staff member will need to provide to the University with a current curriculum vitae to assist inform placement considerations.

Following receipt of advice of interest in returning to work, the request will be referred to the Executive Team member who has responsibility for the functional unit in which the staff member was employed at the time of becoming unattached from the previously occupied substantive position.

The Executive Team member will identify any suitable positions within the organisational unit, including undertaking 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. Claimed unsatisfactory performance, or allegations of

unsatisfactory, or poor, 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.

If the Executive Team member identifies that a suitable position is not available within the organisational unit, she/he must formally advise the Director Human Resources. This advice must elaborate why placement is not currently possible and all options explored. The Director will inform the Human Resources Consultant responsible for the campuses to which the returning staff member would normally return.

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 at the time consistent with the staff member's skills and experience. This assessment will be conducted by the Human Resources Consultant in consultation with the relevant nominated supervisor. Unattached staff members are considered for suitability before any other applicants for a given position, prior to advertising and against the position selection criteria to establish whether they meet the essential requirements for the vacant position. Assessment aims to establish if a returning staff member is likely to perform adequately or is likely to be able to perform adequately in the position in a reasonable period, given access to appropriate supporting training.

Any current recruitment action by the University may be suspended by the Director Human Resources where there is no position available in the organisational area in which the returning staff member worked previously. Suspension remains in place pending assessment of the qualifications of any current unattached staff member(s) who have provided formal advice of interest in returning to work.

An appropriately qualified staff member may be placed in a suitable vacant position without advertisement action.

In the case of an Academic staff member, the staff member may be required to provide evidence that she/he has maintained her/his academic and/or professional standing (e.g. registration/accreditation) during the period of approved leave and, therefore, remains qualified to perform her/his work role.

In the case of a general 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

In the case of an unattached staff member, the desirable outcome is the placement wherever possible, of a continuing or fixed-term employee in a position. However, a trial placement of an unattached staff member may be applied for a period of up to 13 weeks, after which time the staff member may be placed in the position if she/he is found to be performing at a level required for the position.

In the event an unattached staff member is in a trial placement, the staff member, the Executive Team member and the relevant Human Resources Consultant 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 requirements for the staff member may be implemented, if needed and so that the staff member's progress during the trial can be appropriately monitored. The staff member, Executive Team member and relevant Human Resources Consultant must be informed in a written report with reasons 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.

- 4.3** If performance is not found to be satisfactory, the staff member will continue to be unattached from a position and the staff member will be considered for any other available suitable positions at or below grade 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. This organisational unit is responsible for payment of salary up to 52 weeks less the up to 13 week trial period.
- 4.4** In the case of an unattached staff member electing to return from a period of child rearing leave, if there is no current suitable vacancy for the staff member to be placed in she/he will become supernumerary within the organisational unit in which the staff member was employed at the time of becoming unattached. This organisational unit is responsible for payment of salary up to 52 weeks less the up to 13 week trial period
- 4.5** The Human Resources will continue to monitor vacancies in relation to supernumerary staff members up to 52 weeks. If a position at the staff members substantive grade or a lower graded position is not identified within this period, the staff member may be offered a severance benefit calculated in accordance with the severance provisions of the relevant enterprise agreement and her/his employment will terminate.
- 4.6 Following LWOP or Secondment Leave**
- 4.7** In the case of an unattached staff member electing to return from a period of leave without pay or from a secondment greater than 104 weeks. If there is no current suitable vacancy, for the staff member to be placed in, she/he will need to continue their period of unpaid leave until a suitable position is identified. During this time, she/he may undertake internal courses to further develop her/his skills.
- 4.8** In the case of a general staff member, if there is no position at her/his pre-leave grade she/he may be placed in is a lower graded position, where the staff member will be paid the salary attached to the grade of the position she/he occupied prior to going on leave. Such payment will continue until such time that a suitable position at her/his previous substantive grade becomes available, provided this is within 52 weeks of the return to duty.
- 4.9** In the case of a general staff member returning to a lower graded position, if a position at the substantive grade of the position occupied prior to going on leave is not identified within 52 weeks of a return to work, the staff member will be offered the position at the lower grade at the highest incremental step and confirmed at that grade and placed in the position. Thereafter, the staff member shall be paid at that salary level while occupying that position.
- 4.10** The Human Resources will continue to monitor vacancies in relation to returning unattached staff members up to 52 weeks. If a position at the staff members substantive grade or a lower graded position is not identified within this period, the staff member may be offered a severance benefit calculated in accordance with the severance provisions of the relevant enterprise agreement.
- 4.11** Any period of leave without pay over 52 weeks shall be regarded as satisfying the notice period required under the relevant enterprise agreement.
- 4.12** If the employee decides to accept the severance benefit, this will be charged to the original organisational unit in which their substantive position resides.

5. Approvals

A nominated supervisor will need to seek approval from their Executive Team Member before placing an unattached staff member into an identified vacancy. Appropriate documentation and approval will need to be forwarded to the local relevant Human Resources Consultant.

Payment of a severance benefit will require the approval of the Vice-Chancellor.

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 the Director, Human Resources.

7. Further Assistance

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor. Should further advice be needed, they should contact the Human Resources Consultant responsible for their campus.