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| <b>Name of Policy</b>  | <b>Redeployment, Redundancy and Voluntary Early Retirement Policy</b>   |
| <b>Description of Policy</b>   | <i>This policy outlines the process for managing the redeployment, redundancy and voluntary early retirement of affected staff members in circumstances where the University decides that a position is no longer required.</i> |
| <input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Revision |   |
| <b>Description of Revision</b>   | <i>This policy has been updated to incorporate the provisions of the ACU Staff Enterprise Agreement, 2010 - 2013</i>  |
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### Human Resources Directorate

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|--|-----------------|
| <b>Policy and Revision Number</b>      |                 |
| <b>Original Effective Date</b>         | June 2008       |
| <b>Review Due Date</b>                 |                 |
| <b>Revision Effective Date</b>         | 8 March 2010    |
| <b>Senate Approval Date</b>            |                 |
| <b>Vice Chancellor's Approval Date</b> | 04 October 2011 |

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## **1. Background Information**

This policy has been developed in support of the provisions that apply to redeployment, redundancy and voluntary early retirement at ACU for staff who are covered by the Australian Catholic University Staff Enterprise Agreement, 2010 - 2013.

## **2. Policy Statement**

Where the University considers it is necessary to make a decision to declare one or more positions redundant, this policy will be used to guide the process.

## **3. Policy Purpose**

This policy informs eligible staff members of the process and entitlements applicable in circumstances where the University decides that a position is no longer required.

## **4. Application of Policy**

**4.1** This policy applies to those continuing and fixed-term academic and general staff of the University whose terms and conditions of employment are covered by *the ACU Staff Enterprise Agreement, 2010 - 2013*.

### **4.2 Reasons for Redundancy**

A "redundancy" occurs where the University decides that it no longer wishes the job that the staff member has been doing to be done by anyone, and this is not due to the ordinary and customary turnover of labour. A redundancy may occur for reasons of an economic, technological, structural or similar nature, including:

- (i) a decrease in student demand or enrolments in any academic course or subject or combination or mix of courses or subjects conducted on one or more campuses;
- (ii) a decision to cease offering or to vary the academic content of any course or subject or combination or mix of courses or subjects conducted on one or more campuses;
- (iii) financial exigency within an organisational unit or cost centre;
- (iv) changes in technology or work methods; or,
- (v) changes in the organisational structure of an organisational unit, a Faculty, a campus, or the University.

### **Notification of Decision to Declare Position(s) Redundant**

**4.2.1** As soon as practicable after the University has made a decision to make one or more positions redundant, the University will inform the staff affected and, at the same time, will indicate the time when or the period over which the University intends to effect the termination(s).

**4.2.2** At the same time as providing the above information, the University will invite the affected staff to be consulted on measures to be adopted to minimise the adverse effects of the decision.

**4.2.2.1** These measures may include:

- (i) an agreed variation to the staff member's contract (eg from a full time to a fractional appointment including to a pre-retirement contract),
- (ii) the staff member electing to take voluntary redundancy,
- (iii) transfer to a suitable position, (including on a trial basis)

- (iv) redeployment to a suitable position (which may be at the same or one lower level and including a trial redeployment),
- (v) relocation,
- (vi) voluntary early retirement, or
- (vii) secondment.

#### **4.2.3 Staff Member's Support**

Staff may choose to be assisted during these discussions by a person of their choice who may be a staff representative, providing that person is not a practicing solicitor or barrister.

Following the consultation process outlined above, the University will decide which, if any, measures to minimise the adverse effects of its decision will be implemented.

#### **4.3 Formal Notice of Redundancy**

- 4.3.1** Where the University is unable to redeploy the staff member(s), the University's Human Resources Directorate will provide the affected staff member(s) with the following formal notice of redundancy:

| <b>Completed years of service at the time when notice is given</b> | <b>Period of Notice</b>     |
|--|-----------------------------|
| Less than or equal to 5 years of service                           | 3 weeks per year of service |
| More than 5 years of service                                       | 26 weeks                    |

#### **4.4 Staff Member May Elect to Take Voluntary Redundancy or Redeployment**

- 4.4.1** A staff member who has received formal notice from the University that her/his position has been declared to be redundant, may advise the University's Human Resources Directorate in writing within 28 calendar days of the date of the notice, that she/he wishes to either take voluntary redundancy from the University or seek redeployment.
- 4.4.2** A staff member who elects to take voluntary redundancy must indicate her/his preferred last day of employment which must be no later than a prospective date of up to (twelve) 12 weeks from the date that the formal notice period commenced.
- 4.4.3** A staff member who chooses to take voluntary redundancy will receive payment in lieu of any remaining notice period and relevant severance payments, normally within (twenty-one) 21 days of her/his last day of employment. The University will cease all related retraining, redeployment, relocation or secondment activities.
- 4.4.4** A staff member who does not respond to the University within (twenty-eight) 28 days of the date of the formal notice will be considered to be seeking redeployment.
- 4.4.5** During the notice period a staff member will be allowed up to one day's time off without loss of pay during each week of notice for the purpose of seeking other employment.

#### **4.5 Redeployment, Relocation and Retraining**

##### **General Principles**

- 4.5.1** In order to avoid the need for retrenchment following notification of redundancy where the staff member seeks redeployment, the University will continue to explore options to transfer, redeploy or relocate the affected staff member to another suitable position until the staff member's last day of employment.
- 4.5.2** A staff member shall not unreasonably decline to accept transfer, redeployment, relocation, training or retraining.
- 4.5.3** In redeploying a staff member to a suitable vacancy, the University will consult with the staff member and shall have regard to the needs of the University and any or all of the particular staff member's:
- (i) skills and knowledge;
  - (ii) substantive classification;
  - (iii) salary level;
  - (iv) retraining requirements;
  - (v) physical and/or health requirements;
  - (vi) flexibility (personal) requirements
  - (vii) present residential location; and,
  - (viii) capacity to move to another campus.
- 4.5.4** When implementing the provisions of these clauses, the University will take into account and consider the following:
- (i) an academic staff member's qualifications and areas of research interest,
  - (ii) the potential synergies between the discipline or sub-discipline of an academic staff member and those of the position that the University proposes for transfer
  - (iii) an academic staff member's possible career paths, trajectories and/or professional standing,
  - (iv) the potential for redeployment or transfer of an academic staff member including to a suitable general staff vacancy (eg to the Library or Information Technology), and
  - (v) that a staff member, including a general staff member, must agree to be redeployed into a lower classified position and the agreement will be formalised as a variation to the staff member's contract of employment.
  - (vi) There will be consultation prior to the offering of such a redeployment and the agreement of the staff member will not be unreasonably withheld.

#### **4.6 Income Maintenance for General Staff**

- 4.6.1** When an affected general staff member has agreed to be redeployed to a position classified at a lower level and/or fraction than the position made redundant by the University, she/he shall continue to be paid the salary she/he would have received had the position not been made redundant during a period of no more than 12 months from the date of redeployment.
- 4.6.2** After receiving salary maintenance for a period of 12 months, she/he will then receive the salary applicable to the classification and fraction of the position into which she/he has been redeployed.

#### 4.7 Severance Pay

A staff member who chooses to take Voluntary Redundancy and a staff member who is made redundant involuntarily by the University will receive severance payments as follows:

| <b>Completed continuous years of service</b> | <b>No. of weeks salary</b>       |                                 |
|--|----------------------------------|---------------------------------|
|  | <b>Less than 45 years of age</b> | <b>45 years of age or older</b> |
| Less than 1                                  | 4                                | 5                               |
| 1  | 4                                | 5                               |
| 2  | 7                                | 8.75                            |
| 3  | 10                               | 12.5                            |
| 4  | 13                               | 16.25                           |
| 5  | 15                               | 18.75                           |
| 6  | 17                               | 21.25                           |
| 7  | 19                               | 23.75                           |
| 8  | 21                               | 26.25                           |
| 9  | 23                               | 28.75                           |
| 10   | 31.25                            | 31.25                           |
| 11   | 33.75                            | 33.75                           |
| 12   | 36.25                            | 36.25                           |
| 13   | 38.75                            | 38.75                           |
| 14   | 41.25                            | 41.25                           |
| 15   | 43.75                            | 43.75                           |
| 16   | 46.25                            | 46.25                           |
| 17   | 48.75                            | 48.75                           |
| 18   | 51.25                            | 51.25                           |
| 19 or more                                   | 52.18                            | 52.18                           |

#### Calculation of Severance Payments

- 4.7.1** Severance payments will be calculated on the basis of the staff member's substantive salary as at the date of effect of the retrenchment. This means that no loadings or allowances will be taken into account in the calculation unless they are considered regular payments for the purpose of calculating superannuation contributions.
- 4.7.2** A fixed-term staff member who is retrenched prior to the expiry of her/his contract of employment in accordance with its terms is entitled to the same notice period as a continuing staff member.

**4.7.2.1** In such circumstances, a fixed-term staff member will be paid a sum equal to her/his salary for the balance of the term of the contract, or receive six (6) months' salary, whichever is the greater, subject to the overall capping of notice and severance payments.

**4.7.2.2** Staff members who are within two (2) years of their anticipated retirement date for superannuation purposes may apply to take Voluntary Retirement.

#### **Suitable Alternative Employment**

**4.7.3** If the University offers acceptable alternative employment for a staff member who is otherwise entitled to severance payment, then that staff member is not entitled to severance payment. Such acceptable alternative employment may be either within the University or it may be with an alternative employer. For example the University may obtain acceptable alternative employment with a Hospital for an academic staff member from the Faculty of Health Sciences.

#### **4.8 Capping of Notice and Severance Payments**

The maximum amount of monies that a staff member may receive from redundancy severance payments and any payment in lieu of part or full notice as may be determined by the University, is capped at seventy eight (78) weeks' salary.

#### **4.9 Involuntary Redundancy Payments**

The severance payments for involuntary redundancy will be paid to a staff member where the staff member:

**4.9.1** elected to seek redeployment but was not able to be redeployed into a suitable vacant position; or

**4.9.2** participated in a trial redeployment period which was not successful (in which case the amount of severance payments will be reduced by the length of the trial redeployment unless the trial fully occurred within the notice period).

#### **4.10 Voluntary Retirement**

**4.10.1** A staff member who is within two years of the eligible retirement date prescribed by her/his superannuation fund and who is provided with notice of redundancy, may apply for voluntary early retirement.

**4.10.2** In such circumstances, the staff member should write to the Director Human Resources requesting consideration of her or his request. The staff member should also advise of her or his anticipated last day of employment.

**4.10.3** If the University approves an application from a staff member for voluntary early retirement, the benefit payable to a staff member shall be based on the following:

- (i) twelve (12) weeks salary which is conditional upon the staff member confirming the cessation of her or his employment no later than the end of the semester in which the notice has been given to the staff member, or another date mutually agreed with the University; plus
- (ii) two weeks for each completed year of service,
- (iii) capped at seventy eight (78) weeks' salary.

## **5 Approvals**

All decisions in relation to the application of this policy must be in accordance with the University Register of Staffing Delegations. A position may only be declared redundant by the approval of the Vice-Chancellor on the recommendation of the delegated officers; including the relevant Deputy Vice-Chancellor or other relevant Executive Planning Group member, and the Director Human Resources.

## **6 Policy Review**

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

## **7 Further Assistance**

Any staff member who requires assistance in understanding this Policy should first consult their nominated supervisor who is responsible for the implementation and operation of redeployment, redundancy and voluntary early retirement arrangements in their work area. Should further advice be needed, they should contact the Human Resources Consultant responsible for their campus.

## **8 Related Policies**

Change Management Policy  
Pre-Retirement Agreement Policy