

Review of Classification Level of Employees Seconded to Special Offices to Assist a Political Office Holder

Commissioner's Instruction 10

Statement of intent

To outline the process to be applied for a classification level review for a public sector officer seconded to a special office created to assist a political office holder.

This instruction and section 75(3) of the *Public Sector Management Act 1994* (PSM Act) recognise that a public sector employee seconded to work in a ministerial office:

- may take back to their agency new skills, experience and a better understanding of the processes of executive government; and
- may experience disadvantage by foregoing promotional and career opportunities during his or her secondment.

Scope and application

This instruction applies to:

- any public sector employee seconded under section 75(2)(b) or section 75(2)(c) to a special office;
- the employing authorities of those employees; and
- the Director General of the Department of the Premier and Cabinet (DPC), who is responsible for assisting in the administration of Part 4 of the PSM Act and deals with requests for classification reviews in accordance with this instruction.

This instruction does not apply to:

- a ministerial officer appointed under section 68 of the PSM Act; or
- a person appointed to fill a vacancy in a ministerial office under section 64(3); or
- a person transferred to a ministerial office under sections 65(1) or (2).



The criteria that must be met for an employee's classification review in accordance with this instruction are those contained in section 75(3) of the PSM Act:

- the employee's salary in the ministerial office exceeds that equivalent to a Level 5 office under the Public Service Award 1992 (PSA); and
- the employee has occupied a special office continuously for at least two years.

References

This instruction relates to the functions of chief executive officers (CEOs) or employing authorities as provided for in sections 29(1)(h)(ii), 36(1)(c), 64(2)(a) and 75(3) of the PSM Act.

Terminology

Special office

An office created under section 36 of the PSM Act for the purpose of assisting a political office holder.

Employing Authority

As defined in section 5 of the PSM Act.

Home agency

The employee's pre-special office public sector organisation.

Classification review

The process by which an employee seconded at a salary which exceeds that equivalent to a Level 5 office under the PSA is entitled to have his/her classification reviewed.

Instruction

1. Initiating and undertaking a review

- 1.1 Prior to making a written submission, an employee seeking a review of his or her classification must consult with DPC to verify eligibility to apply.
- 1.2 If eligibility is verified, the employee must make an application in writing to the Director General, DPC for a classification review to be undertaken, supplying such information as is required by the guidelines issued by the Director General, DPC¹.
- 1.3 The application for reclassification must be lodged while occupying a special office or within two calendar months of returning to a position, post or office in a department or organisation.
- 1.4 Upon receipt of the application the Director General, DPC will confirm whether the employee is eligible for a review and if so, appoint a person to undertake the review as soon as is reasonably practicable and notify the employing authority
- 1.5 In any case where the person appointed to conduct the review is the employing authority of the employee, he or she may authorise any appropriately qualified or skilled person to assist the employing authority to undertake the review.

¹ Public Sector Employees Seconded to Special Offices Reclassification Guidelines, Department of the Premier and Cabinet, wa.gov.au



2. Factors to be considered in determining classification

The reviewer must have regard to whether:

- 2.1 the employee may have experienced disadvantage in terms of career and promotion opportunities, as against his or her peers, by reason of occupying the special office.
- 2.2 the employee is capable of working at a level to which he or she is seeking reclassification on return to the home agency or employment in another relevant department or organisation
- 2.3 where there is the potential for the employee to be appointed to an office which exceeds that equivalent to a Level 8 office under the PSA the reviewer must seek the endorsement of the Public Sector Commission prior to finalising an assessment and making a recommendation.

3. Conducting a review

- 3.1 The reviewer may undertake the assessment in whatever manner is deemed appropriate but within a reasonable period of time, and the review process must be consistent with the Public Sector Principles contained in Part 2 of the PSM Act and [Public Sector Code of Ethics](#).
- 3.2 The Director General, DPC, the employee and any employing authority must provide any information reasonably requested by the reviewer and relevant to the assessment.

4. Written report required

- 4.1 As soon as practicable after the completion of the review, the reviewer must prepare a written report containing a recommendation and the factors taken into account in making that recommendation. The reviewer must forward the report to the employing authority of the employee (if not the reviewer).

5. Classification decision

- 5.1 As soon as practicable following receipt of the report the employing authority must determine the appropriate classification of the employee and notify the employee and Director General, DPC in writing of the decision and its reasons.
- 5.2 Any proposal for a classification which exceeds that equivalent to a Level 8 office under the PSA requires the endorsement of the Public Sector Commissioner prior to approval of the request by the employing authority.

6. Further classification reviews

- 6.1 An employee having a reclassification approved under this instruction may apply for a further review of his or her classification level not earlier than two years after the date of the previous reclassification, and then only if all eligibility criteria have been met during this further period.

Supporting information

Supporting information in the form of guidelines has been produced by DPC to assist eligible employees and reviewers in applying this instruction. This document titled Public Sector Employees Seconded to Special Offices Reclassification Guidelines does not form part of the regulatory framework.