



AFP National Guideline on managing excess employees

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1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Acronyms

AFP	Australian Federal Police
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3. Definitions

Base salary - is the incremental point within the AFP 9 band classification structure against which a person is being remunerated.

Employee - for the purposes of this instrument, means a permanent employee and does not include temporary or casual employees or those employed for a specified period or project.

Employer - for the purposes of this guideline, means the Australian Federal Police (AFP).

Redundancy benefit period - is per s. 4.4 of the [Public Service Commissioner's Directions 1999](#):

Redundancy benefit period =
$$\frac{\text{gross amount of an employee's redundancy benefit}}{\text{weekly salary used to calculate the redundancy benefit}}$$

but **does not** include any payment in lieu of notice made to the employee.

4. Authority to create guideline

This guideline was issued by the National Manager Human Resources using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

5. Introduction

This guideline outlines redeployment, reduction and redundancy provisions as they apply in excess employee situations under the [AFP Collective Agreement 2007 - 2011](#).

These provisions apply only to ongoing employees who have been employed by the AFP for more than 6 months.

6. Principles

In the management of excess employees the AFP will consider:

- the fair treatment of affected employees
- sound principles of administrative decision making
- that the workforce adjustment provisions in the [AFP Collective Agreement 2007 - 2011](#) are

not used as a substitute for managing either under performance in the workplace or an adverse Professional Standards finding under Part V of the [Australian Federal Police Act 1979](#) (Cth).

7. Policy

Under the [AFP Collective Agreement 2007 - 2011](#) an employee may be deemed to be excess to requirements under the provisions of Clause 33 (Redeployment, Reduction or Redundancy). National Manager Human Resources and Manager Human Resource Strategies have the delegation to declare an employee, or a group of employees, excess.

8. Consultation process

An employee will be advised that they are likely to become excess at the earliest practical time after the Commissioner is aware that this is the case. The advice to the employee will also include the reason that they are likely to become excess and an invitation to participate in discussions about:

- measures that could resolve the situation, including redeployment opportunities at or below level
- whether voluntary redundancy might be appropriate.

Where 15 or more employees are likely to be declared excess, the AFP will consult with the relevant trade union(s) consistent with the provisions of the [Fair Work Act 2009](#) (Cth) (Part 3-6, Division 2, Subdivision B).

9. Notification as an excess employee

Employees who are excess to the AFP's requirements after the consultation process will be notified of this in writing.

The Commissioner will nominate a person in the AFP with whom employees can discuss redeployment options, which may include referral to a redeployment agent.

10. Voluntary redundancy

Employees who are advised that they are excess may opt for either:

- an immediate offer of voluntary redundancy
- an opportunity to pursue redeployment resulting in either:
 - redeployment
 - another offer of voluntary redundancy.

An employee offered voluntary redundancy, in any circumstance, will have 1 month to consider the offer. Unless the employee agrees, the Commissioner will not issue a notice of termination before the 1 month period has passed.

The 1 month consideration period can be reduced by agreement between the Commissioner and the employee where the employee advises that they have been provided with the advice

detailed in the preceding clause.

In the month following the offer of voluntary redundancy, an employee must be given information on the:

- amount of severance pay
- pay in lieu of notice
- paid up leave credits
- gross and net amounts.

Where the period is reduced, the employee will also be paid:

- for the unexpired period of the consideration period as at the date of termination
- a payment in lieu of the relevant period of notice (see s. 33.3 [AFP Collective Agreement 2007 - 2011](#)).

Financial advice

Employees who have been made an offer of voluntary redundancy will be provided with assistance in seeking financial advice. The AFP will reimburse the employee for costs associated with consultations with a qualified financial adviser of the employee's choice up to a maximum of \$500 upon production of receipts.

Severance benefit

An employee whose employment is terminated under s. 28 of the [Australian Federal Police Act 1979](#) after accepting voluntary redundancy must be paid according to the provisions of s. 33 of the [AFP Collective Agreement 2007 - 2011](#).

11. Redeployment and reduction

When an employee is declared excess to requirements, and does not wish to take a voluntary redundancy, this will trigger a process of redeployment or reduction in classification to other positions within the organisation.

Reasonable redeployment options will vary for each individual. If a redeployment option at level cannot be facilitated, then there is the option of reduction.

If the excess employee wishes to progress with this option, they must acknowledge their acceptance in writing and be aware that this will require them to reduce in classification. If this occurs an employee's base salary remains at the higher classification with no increases such as incremental advancement or [AFP Collective Agreement 2007 – 2011](#) increases, until the new classification salary becomes higher.

12. Involuntary redundancy

Where an employee cannot be redeployed into a suitable role their employment will be terminated under s. 28 of the [Australian Federal Police Act 1979](#) and they must be paid in accordance with s. 33 of the [AFP Collective Agreement 2007 - 2011](#).

13. Re-employment within the AFP after redundancy

Employees who have received a redundancy, either voluntary or involuntary, must not be employed within the AFP for a period equivalent to the redundancy benefit period.

14. Further advice

Queries about the content of this guideline should be referred to Coordinator Employee Relations on 02 6131 2473.

15. References

Legislation

- [Fair Work Act 2009](#) (Cth)
- [Australian Federal Police Act 1979](#) (Cth)

AFP governance instruments

- [AFP Collective Agreement 2007 - 2011](#)

Other sources

- [Public Service Commissioner's Directions 1999](#)