

RECRUITMENT AND APPOINTMENT

Procedure 5.5.1

Policy No. and Title	5.5	Conditions of Employment Policy
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1 INTRODUCTION

- a) Kempsey Shire Council supports integrity and equity when recruiting, selecting and appointing employees and encourages a diverse range of applicants to apply for jobs. Council will seek quality applicants for vacant positions from the existing workforce and from the broader community.
- b) Recruitment, selection and appointment processes are based on the principles of Equal Employment Opportunity (EEO) and non-discriminatory practices.
- c) Recruitment and selection processes are transparent, impartial, fair and equitable. Council's recruitment processes are designed so that applicants receive timely and accurate information about advertised positions as well as information about the procedures used for recruitment, selection and appointment processes.
- d) During the selection process, Council assesses the relative merit of applicants against the same set of selection criteria.
- e) Compliance checks are in place to assure the integrity of all recruitment, selection and appointment processes.
- f) The extent of advertising of vacancies will be aimed at attracting a field of applicants with appropriate skills to competently perform the duties of the position.
- g) These procedures cover all positions other than those of General Manager, Directors of Council and other senior staff identified under the Local Government Act, 1993. However, the principle of merit will also apply to the selection of the General Manager, Directors of Council and Senior Staff.
- h) This procedure is written in the context of recruiting permanent and longer term temporary staff greater than a 3 months period. For the recruitment of short-term temporary or on-call casual positions, the Manager of the section where the vacancy occurs should contact one of Council's preferred Labour Hire providers to accommodate their request.

2 GUIDELINES

The following procedures outline the duties and responsibilities required for the various stages of the recruitment and selection process.

2.1 Decision to fill vacant position

- a) When a vacancy arises as a result of an employee leaving Council's service, the Director must re-examine the Departmental Structure to determine whether job redesign will be more efficient and whether the position needs to be filled. The Director is able to authorise the filling of the position.
- b) Where a position changes as a result of job redesign, the employees who may be affected by the proposed changes and the Unions to which they belong will be notified. It will then be referred to the Consultative Committee for information. The General Manager will make the final decision to proceed to the recruitment stage.
- c) Any newly created positions which involve an increase in approved staffing levels must be authorised by the General Manager, and then advertised externally.

2.2 Before commencing recruitment advertising

- a) Examine the position description and selection criteria and update if necessary to ensure that it accurately reflects the current/future duties of the position.
- b) The position description is a written statement of the primary tasks, functions, responsibilities, interactions, qualifications and experience attached to a specific position. The position description should be reviewed by the Manager to ensure that it is up-to-date, reflects the requirements of the position and properly adheres to the principles of merit and equal employment opportunity.
- c) The position description is the basis for identifying the key selection criteria for the position. The selection criteria include the knowledge, skills, experience and qualifications the ideal candidate should possess to successfully fulfil the functions of the position. The selection criteria will facilitate an accurate and merit based assessment against the applicant's skills and abilities.

2.3 Advertising of Staff positions

- a) Advertising of staff positions within Kempsey Shire Council will be in accordance with Section 348 of the Local Government Act which provides for positions to be advertised "in a manner sufficient to enable suitably qualified persons to apply for the position."
- b) Section 348 does not apply to positions that are to be filled for less than 12 months.
- c) In addition the Local Government Act 1993, Section 349 - Appointments to be on Merit states:
 - i) Only a person who has applied for appointment to the position may be selected; and

- ii) From among the applicants eligible for appointment, the applicant who has the greatest merit to be selected.
- d) The merit of the persons eligible for appointment to a position is to be determined according to:
 - i) The nature of the duties of the position; and
 - ii) The abilities, qualifications, experience and standard of work performance of those persons relevant to those duties.
- e) The relevant Manager in consultation with the Human Resources Section is to decide on the method and timing of an advertisement, (this can include internal advertising; newspaper advertising, employment agency placement; website advertising).

2.4 Permanent positions

- a) The Local Government Act 1993, (the Act) provides for positions to be advertised "in a manner sufficient to enable suitably qualified persons to apply for the position". Section 348 of the Act places an obligation on Council to consider whether there are suitably skilled employees within the existing workforce or whether there is a need to advertise outside Council in order to meet the requirements of the Act. The assessment relating to whether a position needs to be advertised externally rests with the Director for determination.
- b) The relevant hiring Manager in consultation with the Human Resources Section is to authorise the placement of advertisements in the appropriate media including newspapers, online advertising and other specialist publications. (The use of employment consultants for the filling of vacancies is discouraged and will only be considered and approved in exceptional circumstances).
- c) Senior Executive staff positions are to be advertised in accordance with the Act.
- d) Where the successful applicant does not accept appointment to the position, an offer of employment can be made to the next most suitable candidate.
- e) If the successful applicant leaves the position within 3 months of appointment, the next most successful candidate may be offered appointment to the position.
- f) Permanent full-time and permanent part-time employees who are seconded to another section of Council will have their substantive positions retained for a maximum period of 12 months. Prior to the expiration of the 12 months, the officer is required to advise if they will be returning to their nominal position. If not returning, the substantive position will be deemed vacant and may be then filled on a permanent basis.

2.5 Fixed term / temporary employment

- a) Fixed term employment and temporary vacancies are to be filled utilising the same transparent process that occurs with permanent vacancies.
- b) Where it is deemed (by the relevant Manager in consultation with their Director) there are sufficiently suitably qualified internal applicants to fill a

fixed term vacancy, fixed term vacancies will be advertised internally only, in the first instance.

- c) Where there are not sufficient suitably internal applicants, the vacancy may be advertised internally and externally concurrently.
- d) Managers must consider any permanent part time employees who are keen to work extra hours, prior to the employment of fixed term or temporary staff. If a permanent part time employee is considered unsuitable by the Manager, then appropriate feedback must be given to the employee.

2.6 Fixed term contracts from 3 months up to a 4 year period

- a) Under the Award, Council may only employ a person on a fixed term contract of employment in the following situations:
 - i) For the life of a specific task or project that has a definable work activity;
 - ii) To perform the duties associated with an externally funded position where the length of the employment depends on the length of the funding;
 - iii) To perform the duties associated with a vacant position until the vacant position is filled on a permanent basis, provided that the duration is no longer than is reasonably necessary to undertake recruitment for the vacant position;
 - iv) To temporarily replace an employee that is on approved leave, secondment, workers compensation or acting in a different position;
 - v) To undertake training and work as part of an apprenticeship, traineeship or student work experience program in conjunction with an education institution;
 - vi) To trial a new work area, provided that the duration is no longer than is reasonably necessary to trial the new work area;
 - vii) To perform the duties associated with a vacant position during the intervening period between when a decision has been made for Council to introduce major changes in production, program, organisation structure or technology that are likely to have significant effects on the employment in the vacant position and the date that the changes are implemented; or
 - viii) To accommodate time limitations imposed by law or sought by the employee (eg visa restrictions).
- b) Once a fixed term contract is in place, no extension will be granted except by approval from the General Manager

2.7 Short Term Temporary/Casual vacancies - up to 3 months

- a) The use of Short Term Temporary/Casual employees should only occur where there is a short term need to ensure operational requirements are met. For the recruitment of short-term temporary or on-call casual positions, the Manager of the section where the vacancy occurs should

contact one of Council's preferred Labour Hire providers to accommodate their request.

- b) An externally employed employee should only be placed with Council as their "host employer" for a maximum of 3 months. If a longer period of employment is required, approval to establish a Council directly employed employee fixed term contract must occur.

3 APPLICATIONS FOR POSITIONS

- a) Applications for vacancies at Kempsey Shire Council can be submitted electronically by email, posted or faxed to Council before the closing date indicated on the relevant advertisement.
- b) Applications received after the closing date will not be considered unless a late submission approval by the hiring Manager has been provided prior to the closing date for applications.
- c) All applications should include the following:
 - i) A **covering letter** stating the vacancy number as listed in the advertisement, position title and where the advertisement was sighted for the position;
 - ii) A statement addressing how the applicant satisfies each of the **selection criteria**;
 - iii) A **resume (CV)**, which details relevant work experience, education qualifications and training; and
 - iv) Names and contact telephone numbers of at least two **referees**, ideally one of the referees should be a current supervisor (if appropriate) and the other should also have knowledge of work performance.
- d) Applications will be officially acknowledged via email or letter after the vacancy close date by Human Resources.
- e) There is not a mandatory requirement to hold an interview as part of determining suitable applicants for a position. A recruitment panel may assess applicants through written applications only where the following criteria are met:
 - i) Demonstrated extensive experience relating to the position;
 - ii) Addressed all core criteria; and
 - iii) Relevant and current qualifications and licences and their referees attest to their competency against core criteria.

Note: if selection for a position is to be through written application only – this will need to be included in the advertisement for the position.
- f) All enquiries and applications will be treated with the utmost confidentiality.

4 DUTIES AND RESPONSIBILITIES OF THE SELECTION PANEL

4.1 Duties of the Selection Panel

- a) The composition of the Selection Panel is the responsibility of the hiring Manager in consultation with the relevant Director and Team Leader Human Resources in accordance with the following, to form a selection panel.
- b) The selection panel shall normally consist of a minimum of three representatives being:
 - i) The Director/Manager and/or his/her nominee;
 - ii) An employee from within the Business Unit/Department where the vacancy exists, who has a knowledge of the duties and responsibilities of the vacant position; and
 - iii) A representative from the Human Resources Section.
- c) However, on occasions where Council considers that a selection panel can function effectively with two representatives, the following should be considered:
 - i) Notwithstanding 4.1 b) above, the gender of all applicants will be represented on the Selection Panel. Where an additional Selection Panel member is required to meet the requirements of this section, the Director/Manager shall give consideration to removing the representative outlined in either 4.1 b) i) or 4.1 b) ii) above.
- d) In the event that the position being filled is a joint appointment between Kempsey and a neighbouring council, the relevant council will be invited to provide appropriate representation to participate on the Selection Panel.
- e) In the event that the position being filled is a grant-funded position, other than labour market positions, a representative from the respective Government Department will be invited to participate on the Selection Panel.
- f) At no time will a Selection Committee consist of more than four employees/members, unless otherwise determined by the General Manager.
- g) The panel is to be constituted so that the combination of skills, abilities and backgrounds of the members covers the following considerations:
 - i) A thorough knowledge of the subject area, works in the same team or work area as the vacant position;
 - ii) A knowledge of human resource management practices and skilled in interviewing and selection techniques. This person should be a member of the Human Resources unit;
 - iii) The panel is to have male and female representation (except where there are no female applicants for the position);
 - iv) No member of the panel has a personal relationship with any other member of the panel nor with any of the applicants; and

- v) Where it is known an applicant is from a non-English speaking or Aboriginal background or have a disability, every effort will be made to include an EEO representative member on the panel.

4.2 Responsibilities of Selection Panel members

- a) To be fully conversant with these selection procedures and with Council's EEO Policy;
- b) To ensure they have been provided with the advertisement, position description and job specifications and the selection criteria are based on these documents;
- c) To ensure no applicant is unfairly excluded from an opportunity to be interviewed;
- d) To ensure all matters associated with the Selection Panel are kept strictly confidential;
- e) To examine requirements and qualifications carefully without personal bias or irrelevant criteria; and
- f) To make recommendations on the basis of the highest ranked applicant on merit as it relates to the requirements of the position and as defined in Section 349 of the Local Government Act, 1993 and Clause 29 Appointment and Promotion of the Local Government (State) Award, and having regard to the above clauses on recommending appropriate salary as per Council's salary structure.

4.3 Short listing applicants

- a) Following the conclusion of the application period, the Human Resources section will forward the **Position Recruitment Selection Folder** containing all applications received and copies of the required template documents to the Selection Panel Chairperson.
- b) In conducting short listing of applicants:
 - i) Each Selection Panel member shall independently assess the applications having regard to the selection criteria set out in the position description; and
 - ii) The Panel shall then meet to shortlist the applications. In general terms, where the majority of the Panel members has shortlisted a particular applicant, that applicant should be interviewed.

NOTE: However, an applicant meeting all the essential and desirable criteria will not automatically be guaranteed an interview.
 - iii) There will be occasions where numerous applicants meet the selection criteria but it is not practical to interview more than four to six applicants. In such cases those applicants considered to best meet the criteria should be shortlisted for interview. The Selection Panel will complete a matrix of the evaluation process.
 - iv) Applicants, whether internal or external, who do not meet the selection criteria, will not be interviewed.

- c) Where the Selection Panel is unable to agree on whether an applicant should or should not be shortlisted, the panel may seek advice from the Director Corporate Management.
- d) Where an applicant is a relative or friend of a Selection Panel member, or has a business/professional relationship with that member, the Selection Panel member must disqualify themselves from sitting on that Panel. Further advice regarding this requirement can be sought from the Team Leader Human Resource and a new Panel member will need to be appointed to the Selection Panel.

5 NOTIFYING SHORTLISTED APPLICANTS

- a) It is the responsibility of the Selection Panel, normally the Chair of the Panel to arrange interview times with the shortlisted applicants. This should be arranged, where possible, by telephone.
- b) Where practicable, applicants shall be given 3 clear working day's notice of interviews.
- c) The hiring manager is to provide Human Resources and Customer Service with a listing of applicants and their arranged interview times and the location interviews are being conducted.
- d) Applicants who are unsuccessful at being shortlisted for interview will be notified by the Human Resources unit in writing.

6 DEVELOPING INTERVIEW QUESTIONS

- a) Questions addressing the values of Council, Work Health and Safety, the selection criteria contained in the position description are to be prepared by the Chair of the Selection Panel in consultation with the Director and Team Leader Human Resources **prior** to the interviews commencing.
- b) A written copy of the questions with provision for recording each applicant's responses has been developed for use by the Panel during interviews. It is the Chair of the Panel's responsibility to develop this documentation. An Interview Questions template is available in word format on Council's Intranet, form REC002.
- c) Questions not relevant to the position or in contravention of the *Anti-Discrimination Act 1977*, must not be included in the list of questions.
- d) A decision on the duration of interviews and format of the interviews, ie who should ask which questions, etc, should be decided jointly by the Selection Panel **prior** to the interviews commencing.

7 CONDUCTING INTERVIEWS

- a) It is the Selection Panel's responsibility to ensure each applicant is made to feel comfortable at the interview and treated equally during the interview in accordance with equal employment opportunity principles.

- b) Each applicant shall be asked the same questions. However, gleaning or teasing out further information from applicants is permissible only in relation to the question being asked.
- c) Under no circumstances is any Selection Panel member to ask any question which is not relevant to the position or which contravenes the *NSW Anti-Discrimination Act, 1977*.
- d) At the completion of each interview each Selection Panel member shall independently rate the applicant based on the evaluation system.
- e) Where a particular skill/knowledge is an essential or desirable requirement of the position, and that skill/knowledge can be tested, eg. typing speed, a test may be arranged and conducted at the completion of the formal interview process. In such cases, applicants shall be advised at the time of arranging the interview that a test will form a component of the interview process.

8 VERIFYING CREDENTIALS

- a) The Selection Panel shall ask to see formal evidence of each applicant's qualifications, licences, etc. during the interview process. The sighting of such qualifications, licences etc, shall be noted on the evaluation sheet.
- b) The Selection Panel shall also ask each applicant to provide evidence of their right to work in Australia, ie, Australian birth certificate, passport, work visa, etc, during the interview process.

9 RANKING APPLICANTS

- a) At the completion of interviews, the Selection Panel should independently rank each of the applicants based on individual ratings to each of the established essential and desirable criteria.
- b) The Selection Panel shall, where possible, reach consensus on the applicant based on the highest merit ranked basis to fill the position. Where consensus cannot be reached, or where two or more applicants are considered equal by the Selection Panel, the relevant information will be referred to the Director, through the hiring Manager, for determination.
- c) The hiring Manager shall recommend a commencing salary in accordance with the qualifications and experience of the selected applicant, having regard to the Council's salary structure. If the hiring Manager recommends commencement on a higher increment point rather than entry grade level in the salary structure, an explanation and reasons for the higher rate of pay must be included in the Selection Panel's Report to the Director, for approval of the General Manager.
- d) Unsuccessful applicants who are considered suitable for the position shall be ranked in order of preference/merit.

10 REFERENCE CHECKING

- a) The Selection Panel Chairperson shall be responsible for completing relevant referee checks. A Referee Report (REC006) template is available in Word.

- b) The reference checks shall be based on the applicant's ability to carry out the duties of the position in accordance with the essential and desirable criteria. These reference checks should be based on previous employment.
- c) Reference checks will generally only be carried out on the applicant ranked number one after the interview process. However, where two or more applicants are ranked closely, reference checking for more than one applicant may be undertaken.
- d) Reference checks should only be carried out with referees nominated by the applicant. If the Selection Panel Chairperson wishes to approach referees who were not nominated, they should first obtain permission from the applicant.
- e) A minimum of one reference checks should be carried per each preferred applicant.
- f) A member of the **Selection Panel** must not act as a verbal or written referee for any applicants who are being interviewed for that position.

11 WRITING THE SELECTION REPORT

- a) The Selection Panel Chairperson is responsible for writing/completing the Selection Report, which will include a recommended commencing salary and any other employment conditions if applicable.
- b) The Recruitment Selection Folder containing the completed Selection Report/s with all applicant evaluation sheets shall be forwarded to the Director, for approval to appoint. The Selection Report template can be found in Word.

12 NOTIFICATION TO UNSUCCESSFUL APPLICANTS

12.1 For unsuccessful applicants who were not shortlisted for interview

- a) Letters will be forwarded to unsuccessful applicants who are not shortlisted for interview by Human Resources.
- b) Should an applicant, who was not successful in being shortlisted, request feedback on their application, the Team Leader Human Resources will advise the Selection Panel Chairperson and discuss an appropriate response back to the applicant.

12.2 For unsuccessful applicants who were interviewed (following the short listing process)

- a) Once the **successful applicant has accepted the position**, a formal letter will be sent advising unsuccessful applicants who were shortlisted for interview.
- b) This letter will advise the applicant they were unsuccessful at interview and provide them the opportunity of feedback relating to their unsuccessful interview if requested. (Feedback should be provided by the Selection Panel Chairperson or entire Selection Panel where appropriate via email, telephone or face to face meeting.)

13 PRE-EMPLOYMENT MEDICALS AND SCREENINGS

- a) All new appointees to Council are required to undergo a pre-employment medical examination by Council's consultant doctor and audiologist.
- b) The purpose of the examination is to identify and record details of any pre-existing illness or injury as part of Council's WHS Risk Management Strategy and to determine the physical capacity of the person to perform the duties of the position. The physical demands of each job will obviously vary and it is critical the doctor is fully aware of the requirements of the position.
- c) Human Resources will arrange all pre-employment medicals and provide the doctor with a position description, a Job Demands Analysis, and an Immunisation Checklist prior to examination.
- c) If it is not practical for the preferred applicant to be examined by the Council doctor (eg remote locality) the medical examination can be carried out via their own doctor. Council will provide a Pre-Employment Medical Form to the nominated doctor.
- d) On receipt of the doctor's medical report and background checks, a decision on whether to proceed to the next stage of the recruitment process of appointment, based on medical assessment will be made by the Human Resources Manager in consultation with hiring Manager and Director.
- e) Certain positions may require further pre-employment checks. These might include Specialist hearing assessments, the working with children check or a police background check.
- f) No offer of employment (formal or verbal) shall be made by any Selection Committee member prior to the completion of this stage.

14 OFFER OF EMPLOYMENT

- a) A Request for Offer form (REC008) to be completed by the hiring Manager and following approval by the Director the offer of employment will be prepared by the Team Leader Human Resources.
- a) All successful applicants will receive a letter of appointment and new employee pack.
- b) The letter of appointment and letter of offer/employment contract are some of the most important documents that may be issued by the Council. Together with the prospective employee's acceptance, it forms the basis of the contract of employment. Documenting the employment relationship will ensure that the prospective employee knows on what terms she or he is agreeing to work, thus minimising any doubt, as well as the likelihood of any future disputes.
- c) The offer of employment should contain the following information as a minimum:
 - i) Position title and duties together with a copy of the position description;
 - ii) Employee's classification, wage rate and payment arrangements;

- iii) Duration of employment;
 - iv) Supervisor/line authority;
 - v) Hours of work, work arrangements and additional leave;
 - vi) Superannuation details;
 - vii) Probationary period and review mechanisms;
 - viii) Responsibilities;
 - ix) References to the applicable award, industrial agreement, legislation and Council policies and procedures; and
 - x) Over and above award employment conditions or special terms of reference, performance measures, training.
- e) The employment documents must be signed and returned by the applicant prior to the commencement of employment.
 - f) Should at any time during the period of employment, any of the terms and conditions of employment need to be changed or varied for whatever reason, a new contract of employment should be completed and the employee must agree prior to the variations or change taking place.

15 APPEAL PROCESS

- a) Under the Award as per Clause 29 - Appointment and Promotion, where an internal applicant has applied for a new or vacant position and their application is unsuccessful, the employee may:
 - i) Request in writing the reasons as to why they were not appointed; and
 - ii) Upon such request Council shall provide the reasons in writing.

16 INDUCTION

- a) On the morning of commencement of employment, the new employee will commence their induction program by being introduced by the hiring Manager to the Human Resources Section.
- b) The employee is to provide at this time all Employee details requirements to allow for the creation of an employee number by Payroll Officer.
- c) The hiring Manager to provide employee with site and work specific induction.

VARIATION

Council reserves the right to review, vary or revoke this procedure which will be reviewed periodically to ensure it is relevant and appropriate.