



POLICY P3.2.7 REQUEST FOR REVIEW OF PROMOTION DECISIONS

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SOP	> SOP P3.2.7-1 Application and Review Processes
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Contact	Director, Membership Services
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1 Purpose

- 1.1 The policy provides guidance for NSW Rural Fire Service (NSW RFS) employees on the processes and procedures in relation to Part 4 (Rules 24 and 25) of the Government Sector Employment (General) Rules 2014 (Review of Promotion Decisions).

2 Definitions

- 2.1 For the purpose of this policy document the following definitions apply:
- a. **GSE:** Government Sector Employment.
 - b. **Public Service non-executive employee:** a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a non-executive role in a public service agency as referred to in Part 4 Division 5 of the *Government Sector Employment Act 2013*.
 - c. **Successful applicant:** a person deemed successful in gaining a role based on merit following a selection process where the applicant meets the pre-established standards and capability levels for the role.

3 Policy

- 3.1 A request to review a promotion decision may be considered when a public service non-executive employee, who unsuccessfully applies for an ongoing role, requests a review of the promotion decision on the grounds that whole or part of the selection process was irregular or improper, in accordance with Rule 24 of the GSE (General) Rules 2014.
- 3.2 This policy does not apply to promotion decisions related to temporary employment, term employment or temporary assignments.
- 3.3 Applicants who are not employed in a public service agency are not entitled to request a review of a promotion decision.

- 3.4 In order to request a review of a promotion decision, the role applied for must have a higher remuneration level than the level held by both the employee and the successful applicant respectively prior to the decision being made.
- 3.5 A request to review a promotion decision is not a review of the merit or the individual claims of the employee for the role. A review will only be considered if the applicant is able to provide clear evidence of a procedural breach in relation to the particular recruitment and selection process.
- 3.6 An application for a review of promotion decision must be made in writing and submitted to the Manager, Membership Administration (MMA) within 10 business days of the relevant employee being advised of the promotion decision.
- 3.7 If the application for review is accepted, the engagement of the successful applicant cannot be implemented until the review is complete.
- 3.8 Applications and reviews must be in accordance with SOP P3.2.7-1 Application and Review Processes.

4 Related documents

- > *Government Sector Employment Act 2013*
- > *Government Sector Employment (General) Rules 2014*

5 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
4 May 2017	1.0	Initial release

SOP P3.2.7-1

Application and Review Processes

1 Purpose

- 1.1 This Standard Operating Procedure (SOP) details the process for the review of promotion decisions in line with Rule 25 of the GSE (General) Rules.

2 Procedures

- 2.1 An application for the review of a promotion decision must be submitted in writing to the Manager, Membership Administration (MMA) within 10 business days of the relevant applicant being informed of the decision.
- 2.2 The application must outline reasons for requesting the review, including conclusive evidence of the breach of recruitment and selection process. If the application does not relate to the process and/or is based on the argument of employee merit and other personal claims for the promotion, the application for review will be declined.
- 2.3 The application should include the following:
 - a. Employee's details (full name, serial number, current role title, NSW RFS level and employment status);
 - b. The title, vacancy reference number and NSW RFS level of the role applied for;
 - c. Full names of the hiring manager and panel member/s;
 - d. Specific information detailing how the selection process was improper or irregular; and
 - e. Any supporting information.
- 2.4 The MMA will review the application and advise the employee whether the application for review is accepted or declined.
- 2.5 If the application is accepted, the Commissioner will appoint a NSW RFS Public Service Senior Executive (who was not involved with the selection process) to conduct the review. The MMA will advise the successful applicant in writing that a review of the promotion decision will be undertaken.
- 2.6 A review will be conducted and an outcome determined within two weeks of acceptance. The outcome will be either:
 - a. The selection process is not found, in any way, to be improper or irregular and the promotion decision is confirmed; or
 - b. The selection process is found, in any way, to be improper or irregular and the promotion decision is revoked. If this is the case, another selection process will be carried out for the role concerned.
- 2.7 The review applicant will be advised in writing by the reviewer of the outcome of the promotion review.
- 2.8 The MMA will advise the successful applicant of the outcome of the review in writing.
- 2.9 The decision of the reviewer is final.

Figure 1: Flowchart

RESPONSIBILITY	PROCESS	NOTES
1. Staff Member	<p>Staff member submits an application in writing to review promotion decision to the Manager, Membership Administration (MMA).</p>	<p>Application must include details as specified in clause 2.2 of the SOP and must be submitted within 10 business days of the relevant staff member being advised of the decision.</p>
2. Manager, Membership Administration	<p>MMA will review the application and advise the relevant staff member if the application for review has been accepted or declined.</p>	<p>Should the application be accepted, a NSW RFS Public Service Senior Executive (who has not been involved in the selection process) will be appointed to conduct the review. If the application is declined, the relevant employee will be advised in writing.</p>
3. Reviewer	<p>The reviewer will conduct the review within 10 business days of the application being accepted.</p>	<p>The decision of the reviewer is final.</p>
	<p>Once the review is complete, the reviewer will advise the review applicant and the MMA will advise the successful applicant of the outcome in writing.</p>	

3 Related Forms

> None