Government Sector Employment Act 2013
FAQs: Temporary Public Service Employees

Note: This FAQ will be regularly updated to communicate to staff the impact of the GSE Act and associated reforms.

Q1 To whom do these FAQs apply?
These FAQs apply to current Public Service temporary employees (non-executive) employed by the Department of Education and Communities. They do not apply to Teaching Service or TAFE employees.

Q2 What are the recruitment and assessment requirements for temporary employees from 24 February 2015?

Temporary employment up to 6 months
From 24 February 2015, a decision to engage a temporary employee for a period of up to 6 months must be based on a suitability or comparative assessment. You cannot continue in that employment after 6 months unless you have been confirmed as the most suitable candidate following a comparative assessment after the role is advertised across the Public Service (or wider).

Temporary employment over 6 months
From 24 February 2015, a decision to engage a temporary employee for a period of more than 6 months must be based on a comparative assessment after advertising across the Public Service (or wider).

Q3 Can my temporary employment be extended?
Temporary employment may be extended up to a total continuous period of 6 months based on the outcome of either a suitability or comparative assessment.
Extension of temporary employment up to a total continuous period of over 6 months must be based on a comparative assessment and advertised across the Public Service.
There can be multiple extensions without the need for a new assessment process provided the above requirements are met.

Q4 Are there any exceptions to the assessment requirements for temporary employees?
Yes. The Public Service Commissioner has made determinations that existing temporary employees (as of 24/02/2015) in the following areas may have their temporary employment extended up to a specific date without having to comply with the assessment requirements mentioned under point 3 above. The employer must be satisfied the temporary employee has the qualifications, experience, standard of work performance and capabilities to perform the duties in that role.
Q5 What is maximum period of temporary employment?
Under the Government Sector Employment Rules 2014, a temporary employee may be employed in temporary employment in the same Public Service agency for a total period of 4 years within any continuous period of 5 years.

Exceptions to the above rule exist, including Aboriginal Affairs existing temporary employees as of 15 October 2014 and where at least 20% of the funding for the role is from non-NSW Government sources.

Q6 Is there a possibility of extending the maximum period of temporary employment?
Yes. A temporary employee may be employed in temporary employment in the same Public Service agency for a further period of up to 4 years if the decision to employ the temporary employee is based on a comparative assessment after external advertising.

Q7 Can my temporary employment be converted to ongoing employment?
Yes. An agency head has the discretion to convert your temporary employment at-level to ongoing employment where suitable vacancy at the same level exists in the relevant area and where you have been employed for a period of at least 12 months.

The conversion to ongoing employment must be based on:
- a comparative assessment after external advertising;
- your most recent performance review; and
- your satisfactory conduct as an employee.

Where can I get further information?
For further information, you may:
- visit the department’s Government Sector Reform website
- visit the Public Service Commission website – this website includes other FAQ documents;
- seek further information from your line manager; or
- Email the Corporate Recruitment team at CorporateRecruitment@det.nsw.edu.au.