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Government

ACT Health

Executive Contract Management Procedure

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Purpose

This procedure will assist ACT Health Directorate (ACTHD) staff to coordinate executive movements and recruitment actions. It outlines the procedural steps for facilitating executive contract actions for ACTHD.

Background

Executives are employed under a single, service-wide contract system administered by the Office of Industrial Relations and Workforce Strategy (OIRWS), in the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

Executive employment within the ACTPS is guided by:

- [Public Sector Management Act 1994](#)
- [ACTPS Senior Executive Service Handbook](#)

Scope

1. This procedure applies to all executive contract matters within the ACT Health Directorate.
2. The executive contract establishes the employment relationship between the executive as an employee and the Territory as the employer. The duration of employment is governed by the terms of the contract. There are two classes of executive contracts:
 - long-term contracts, which cannot exceed five years; and
 - short-term contracts, which cannot exceed two years.
3. Executive contracts provide details of the statutory employment terms (SETs), such as classification, assigned functions and length of employment.
4. This procedure covers:
 - Filling Executive Vacancies (short term and long term)
 - Executive Selection Process
 - Offer of Executive Contracts (short term and long term)
 - Executive Re-engagement Process

Roles and Responsibilities

Position	Responsibility
Director General	<ul style="list-style-type: none"> ACTHD Delegate for approving all executive actions including executive recruitment, performance assessment and contract reengagement processes for executives.
Office of the Director General	<ul style="list-style-type: none"> Liaison between Director General and People Strategy and Culture Branch (PSC) for matters relating to executive contract management, approvals and notification processes.
Business Unit Executives: Executive Group Manager's (with line management responsibility for other executives: Executive Branch Manager's)	<ul style="list-style-type: none"> Work with PSC for executive contract actions for their business unit; Undertaking recruitment processes for executives; and Undertaking executive performance management and contract reengagement assessments in accordance with policy.
ACTHD People Strategy and Culture (PSC)	<ul style="list-style-type: none"> Supporting business units with the preparation and quality assurance of Executive Action Requests (EAR) to ensure compliance with OIRWS, CMTEDD guidelines and procedures; Tracking contract periods and providing timely advice for upcoming actions required to meet notice periods and efficient processing of EARs; Liaise and coordinate with OIRWS, CMTEDD and Shared Services Executive Pay team to progress executive contract actions; Maintaining record keeping of executive contract documentation; and Seeking policy and legal advice for complex executive contract matters.
Shared Services Executive Contract Management Team (SSECMT)	<ul style="list-style-type: none"> Processing of executive action requests; Notify directorates of head of service decisions in relation to EARs; Prepare all contract documentation and provide to relevant executive for signature; Submit contract lists to the Legislative Assembly for tabling; Process the advertisement of approved executive vacancies;

- Administer executive pay, conditions and salary packaging arrangements; and
- Administration of executive documentation and records.

Office of Industrial Relations and Workforce Strategy (OIRWS), CMTEDD

- Facilitate approval of Head of Service for executive actions; and
 - Provision of policy advice on executive contract matters.
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Procedure

1. In ACTHD, executive acting arrangements are guided by the following principles:
 - Vacancies equal to or less than three weeks are to be offered as a development opportunity with no higher payment associated with the opportunity.
 - For vacancies over three weeks and up to four weeks, a compelling argument will be required from the business area executive to delegate to justify a higher payment for the development opportunity.
 - Vacancies over four weeks to be offered as paid opportunities.
2. The recruitment principles applicable to executive actions are as follows:
 - For vacancies up to four weeks, no recruitment process is required.
 - For vacancies greater than four weeks and up to nine months, expressions of interest (EOI) will be sought across the ACTPS.
 - For vacancies over nine months, a full recruitment selection process will be undertaken with the role advertised in the gazette.
3. It is important that all reasonable steps are taken to minimise the requirement to backdate executive contracts. Shared Services Executive Contract (SSECMT) requires **fourteen days** to process EARs. For the Directorate to meet this requirement, and to allow time for recruitment processes or any other unforeseen delays, EARs must be initiated timely and prior to the planned commencement date of the executive contract.

Short Term Executive Contracts without a Recruitment Process

4. A Short term Vacancy up to three weeks should generally be performed by an appropriately skilled ACTPS employee as an unpaid development opportunity. Where required, financial and HR functions can be exercised through an instrument of

delegation. Please refer to [HR Delegations Manual](#) and [Finance Delegations](#) on Health HQ for further information on appropriate delegation instruments.

5. A short term vacancy of more than three weeks and up to four weeks may be offered as a paid opportunity. Business units are required to make a compelling case recommending the acting arrangement to be offered as a paid opportunity.
6. Best practice requires that a recruitment process is undertaken for short term vacancies over four weeks. There may be exceptional circumstances where DG has the discretion to fill a short term vacancy up to a maximum of nine months without a recruitment process.
7. The steps involved in filling a short-term executive vacancy without a recruitment process are outlined in the table below:

Responsible Area		Function
1	Business Unit	<p>Prepare the EAR (PSC prefills with required information and sends to business unit to complete) for the executive to be engaged in the role and send the below documents to PSC for processing:</p> <ul style="list-style-type: none"> • Executive Action Request (EAR) form recommending the executive action required. • Executive Capabilities specific to role. • Any approval/correspondence relating to the EAR. • Approval from Executive Group Manager is required for Executive Branch manager EAR's. • Approval from the DG is required for Executive Group Manager roles.
2	PSC	Quality checks all documents and forward to ODG for DG approval and maintain a record of all related documentation in executive contract files in Objective.
3	ODG	<p>Coordinate DG review and approval of all documents received relating to executive contracts accordingly.</p> <p>Send DG approval to PSC for processing.</p>
4	PSC	<p>Send below documents to SSECMT for processing once approval is received from ODG:</p> <ul style="list-style-type: none"> • EAR form recommending the executive action. • Executive Capabilities specific to role. • Any approval/correspondences relating to the EAR. • Approval from the Executive Group Manager for Executive Branch manager EAR's. • DG approval.
5	SSECMT	Compliance checks all documents and progress documents to the OIRWS executive contract team for coordinating OIRWS DDG and HoS Approval.

6	OIRWS	Seek approvals from OIRWS DDG and HoS and inform SSEMCT of the outcome.
7	SSECMT	<p>Once the request is approved, prepare below documents, and send to the executive in the role for review, completion, and signature:</p> <ul style="list-style-type: none"> • Short term Executive Contract • Conflict of interest declaration • Declaration of Private Interests form • Executive Contract Election Form • Letter of Offer <p>The executive will sign and return documents back to SSEMCT.</p> <p>Finalise the contract and send all documents to the executive in the role, PSC, and Shared Services Executive Payroll Team for appropriate action.</p>

Executive Recruitment Process for Short-term and Long-term contracts

8. For Short-term Vacancies over four weeks and up to nine months, an Expression of Interest (EOI) process is required to be undertaken.
9. For Short-term Vacancies over nine months and up to two years, the vacancy needs to be advertised in the ACT Government Gazette as a short-term vacancy.
10. For Long term Vacancies over two years and up to five years, the vacancy needs to be advertised in the ACT Government Gazette as a long-term vacancy.
11. The steps involved in a recruitment process to fill an executive vacancy are outlined in the table below:

Responsible Area		Function
1.	Business Unit	<ul style="list-style-type: none"> • Prepare the EAR form (PSC prefills with required information and sends to business unit to complete) recommending the selection process as below: <ul style="list-style-type: none"> ○ EOI if vacancy is less than nine months. ○ Advertise in gazette if the vacancy is nine months or longer. • Send EAR and Executive capabilities specific to role to PSC.
2.	PSC	Quality checks all documents and forward to ODG for DG approval and maintain a record of all related documentation in executive contract files in Objective.
3.	ODG	<p>Coordinate DG review and approval of all documents received related to the executive contracts accordingly.</p> <p>Send DG approval back to PSC for processing</p>
4.	PSC	<p>Send below documents to SSEMCT for processing once approval received from ODG:</p> <ul style="list-style-type: none"> • EAR form recommending the advertisement of the role.

		<ul style="list-style-type: none"> Executive Capabilities specific to role. Any approval/correspondences relating to the EAR. Approval from Executive Group Manager for Executive Branch manager roles. DG approval.
5.	SSECMT	Compliance checks the documents and progress documents to OIRWS executive contract team for coordinating OIRWS DDG and HoS Approval.
6.	OIRWS	Seek approvals from OIRWS DDG and HoS and inform SSECMT of the outcome.
7.	SSECMT	<p>Advertise the role as below:</p> <ul style="list-style-type: none"> Send out to Executives and SOGAs if it is an EOI process for a short-term vacancy less than 9 months. Advertise in the gazette for vacancies less than 9 months. <p>Once the role closes, send the applications to the contact officer. For EOI processes, candidates send applications directly to the contact officer.</p>
8.	Business Unit	<p>Prepare and organise the recruitment selection process;</p> <ul style="list-style-type: none"> Convene the panel. Shortlist of applicants. Notify candidates of the interview details. Notify candidates of the recruitment outcome. Prepare comparative and individual assessments. <p>Notify People Strategy of the recruitment process outcome.</p> <p>Prepare a new EAR for the new executive to be engaged in the role and send below documents to PSC for processing:</p> <ul style="list-style-type: none"> EAR form for the new executive to be in the role. Position Description. Panel approvals. Comparative assessment Individual assessment Candidate's application.
9.	PSC	Quality checks all documents and forward to ODG for DG approval and maintain a record of all related documentation in executive contract files in Objective.
10.	ODG	<p>Coordinate DG review and approval all documents received related to the selection process.</p> <p>Send DG approval back to PSC for processing</p>
11.	PSC	<p>Send below documents to SSECMT for processing once approval received from ODG:</p> <ul style="list-style-type: none"> EAR form recommending executive contract for the preferred applicant. Position description. Panel approvals. Comparative assessment Individual assessment Candidate's application. DG Approval.
12.	SSECMT	Compliance checks the documents and progress documents to OIRWS exec contract team for coordinating approvals from OIRWS DDG and HoS.

13.	OIRWS	Seek approvals from OIRWS DDG and HoS and inform SSEMCT of the outcome.
14.	SSECMT	<p>Once the request is approved, prepare below documents and send to the new executive for review, completion, and signature.</p> <ul style="list-style-type: none"> • Long term Executive Contract. • Conflict of Interest Declaration. • Declaration of Private Interests Form. • Executive Contract Election Form • Letter of Offer <p>(The executive will sign and return documents back to SSECMT.)</p> <p>Finalise the contract and send all documents to the new executive in the role, People Strategy, and Shared Services Executive Payroll Team for appropriate action.</p>
<p>Note:</p> <p>If the initial long-term contract was for a period of less than five years it is possible to extend the contract, provided:</p> <ul style="list-style-type: none"> • the total period does not exceed five years; and • the extension relates to the existing contract and the same work value level. • The contract may be extended more than once within the five-year limit with no break in between. • The original advertisement included the wording “with possibility of extension” • If the executive has been in the position for five years, the executive can be reengaged by following the Re-engagement of an executive process outlined below. • As stated in section 24 of the PSM Standards 2016 and ACTPS Recruitment Policy and Guidelines the chair must be at least one Band higher than the role being filled. Panel members must be at least at the same Band/classification level or higher than the role being filled. • There must be a minimum of three panel members for all advertised Executive positions with regard to gender representation and at least one person external to the Division. • Recruitment processes should be conducted in accordance with ACTPS Recruitment Policy and Guidelines and ACT Health Directorate Recruitment Guideline. 		

Re-engagement of executives on a long-term contract.

11. At the expiration of a long-term contract, a new contract may be offered without a process to perform the duties of the same office and if there is no break in the engagement.
12. Re-engagement process should commence nine to twelve months before the end of a long-term contract.
13. The table below outlines the steps involved in a re-engagement process:

Responsible Area		Function
1	Business Unit Executive responsible for the reengagement process	<ul style="list-style-type: none"> • Prepare a brief to DG outlining the reasons of re-engagement of the current executive in the role. • Convene the panel for the re-engagement assessment. The panel should, at a minimum, consist of: <ul style="list-style-type: none"> ○ For Executive Band 1 executives, the panel should include the relevant DG and a Band 2 or above executives. ○ For executive Band 2 and Above executives, the panel should comprise of the relevant DG and a DG from another directorate. • Prepare a letter to the executive who is currently in the role, inform them of the decision to pursue the re-engagement process. • Submit the following documents to PSC to start the process: <ul style="list-style-type: none"> ○ Brief to DG advising the details of the re-engagement process. ○ Letter to the executive to inform them of the decision. ○ Position Description. ○ Consecutive engagement self-appraisal. <p>PSC will support with organizing the above paperwork.</p>
		<p>Once above approved by DG, prepare and organise the interview.</p> <ul style="list-style-type: none"> • Notify executive of the interview details. • Notify PSC of the outcome of the interview and send below documents for processing: <ul style="list-style-type: none"> ○ EAR form (PSC prefills with required information and sends to business unit to complete) to re-engage the executive in the role for long term. ○ Panel approvals. ○ consecutive engagement appraisal. ○ consecutive engagement self-appraisal.
2	PSC	Quality checks all documents and forward to ODG for DG approval and maintain a record of all related documentation in executive contract files in Objective.
3	ODG	<p>Coordinate DG review, approval and all documents received related to the executive contracts.</p> <p>Send DG approval back to PSC for processing.</p> <p>Distribute the offer letter to the Executive.</p>
4.	PSC	<p>Once the re-engagement process is finalised send below documents to SSECMT for processing:</p> <ul style="list-style-type: none"> • Panel approvals. • consecutive engagement appraisal. • consecutive engagement self-appraisal. • EAR form to re-engage the executive in the role for long term. • DG approval.

		<p>* Where the executive is not re-engaged, PSC will prepare the letter to the executive to inform them of the decision for DG approval.</p> <p>ODG will distribute the letter to executive on behalf of the DG.</p> <p>If the position is to be advertised, ODG to initiate this process as per the Advertising process outlined in the table above.</p>
5.	SSECMT	Compliance checks the documents and progress documents to OIRWS exec contract team for coordinating OIRWS DDG and HoS Approval.
6.	OIRWS	Seek approvals from OIRWS DDG and HoS and inform SSECMT of the outcome
7.	SSECMT	<p>Once the request is approved, prepare below documents and send to the executive in the role for review, completion, and signature:</p> <ul style="list-style-type: none"> • Short term Executive Contract. • Conflict of interest declaration. • Declaration of Private Interests Form. • Executive Contract Election Form. • Letter of offer. <p>The executive will sign and return documents back to SSECMT.</p> <p>Finalise the contract and send all documents to the executive in the role, People Strategy, and Shared Services Executive Payroll Team for appropriate action.</p>
<p>Note: If an Executive is not re-engaged, they will either revert to their nominal position number if they own one or their contract will be ceased. Please reach out to ACTHDExecutiveRecruitment@act.gov.au for any queries around this.</p>		

Job sizing of Executive positions.

14. Executive positions should be job-sized (work value assessment conducted by Mercer) at least every five years or as soon as practical if a position's functions and or capabilities change. If an executive position becomes vacant and has not been assessed within the last three to four years, it is best practice to job-size prior to advertising for filling long-term.

15. The table below outlines the steps involved in a job-sizing process.

Responsible Area		Function
1	Business Unit Executive responsible for the job-sizing process	<p>Review the Executive Capabilities specific to the role and update as required.</p> <p>Prepare an EAR form (PSC prefills with required information and sends to business unit to complete) to Job-size (approach Mercer to assess) the position.</p> <p>Send updated Executive Capabilities and EAR form to PSC for processing.</p>
2	PSC	Quality checks all documents and forward to ODG for DG approval and maintain a record of all related documentation in executive contract files in Objective.

3	ODG	<p>Coordinate DG review and approval of documents received related to the job-size request accordingly.</p> <p>Send DG approval back to PSC for processing.</p>
4.	PSC	<p>Send below documents to SSECMT for processing once approval received from ODG:</p> <ul style="list-style-type: none"> • EAR form to job-size the position. • Executive Capabilities specific to the role. • DG approval.
5.	SSECMT	<p>Compliance checks the documents and progress documents to OIRWS exec contract team for coordinating OIRWS DDG and HoS Approval.</p>
6.	OIRWS	<p>Seek approvals from OIRWS DDG and HoS and inform SSEMCT of the outcome.</p>
7.	SSECMT	<p>Engage Mercer to conduct work value assessment of the position.</p> <p>Once assessment has been completed, provide work value assessment outcome to PSC.</p>
8.	PSC	<p>Provide work value assessment outcome to business area.</p> <p>If the outcome is to change the Executive level of the position, prepare a new EAR form to implement the Mercer review and reclassify the position. If the outcome is to change the Executive level of the position to another band e.g. From Band 1 to Band 2, a full merit and selection process will be required to fill the role and steps outlined at point number 11 are to be followed.</p> <p>Send EAR form, Executive Capabilities and work value assessment to reclassify the position to ODG for DG approval.</p>
9.	ODG	<p>Coordinate DG review and approval of documents received related to the implementation following job-size request.</p> <p>Send DG approval back to PSC for processing.</p>
10.	PSC	<p>Send below documents to SSECMT for processing once approval received from ODG:</p> <ul style="list-style-type: none"> • EAR form to implement Mercer review/reclassify the position. • Executive Capabilities specific to the role. • Mercer work value assessment. • DG approval.
12.	SSECMT	<p>Compliance checks the documents and progress documents to OIRWS exec contract team for coordinating OIRWS DDG and HoS Approval.</p>
12.	OIRWS	<p>Seek approvals from OIRWS DDG and HoS and inform SSEMCT of the outcome.</p>
13.	SSECMT	<p>Once the request is approved and if an Executive is currently in the role, re-issue contract to Executive with the new Executive level.</p> <p>(The executive will sign and return documents back to SSECMT.)</p>

		Finalise the contract and send all documents to the new executive in the role, People Strategy, and Shared Services Executive Payroll Team for appropriate action.
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Records Management

All Records must be managed in accordance with the Territory Records Act 2002 and ACTHD policy and procedures. Records to be kept on Objective.

Implementation

The procedure will be published on the Directorate share point page.

References and Related Documents

- [Director-General and Executive Handbook](#)
- [ACTPS Recruitment Guidelines](#)
- [Public Sector Management Act 1994](#)

Version Control

Version	Date	Comments
1	19 April 2023	To be reviewed with any changes in ACTPS policies and guidelines

Disclaimer: *This document has been developed by the ACT Health Directorate specifically for its own use. Use of this document and any reliance on the information contained therein by any third party is at his or her own risk and the ACT Health Directorate assumes no responsibility whatsoever.*

Attachments

1. Executive Contract Checklist – Attachment A

ACTHD Executive Contract Check List

- Please contact People Support Services team within the People Strategy and Culture Branch (PSC) Branch ACTHealthExecutiveEmployment@act.gov.au to ensure all Executive Contract related matters are completed seamlessly in a timely manner.
- PSC require at least **three weeks' notice** prior to commencement to allow sufficient time for processing.
- Shared Services requires **two weeks' notice** to arrange Head of Service (HoS) approval.

Three week or less	Completed
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Periods shorter than 3 weeks should be performed as unpaid development opportunities with the functions exercised through an instrument of delegation.	
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Between three to four weeks	
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Business Unit to complete Executive Action Request (EAR) providing compelling reasons to offer it as a paid opportunity.	
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Between four weeks to nine months – EOI process	
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Contact PSS team on ACTHDExecutiveRecruitment@act.gov.au to discuss	<input type="checkbox"/>
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Business unit to prepare EAR for Expression of Interest (EOI) process	<input type="checkbox"/>
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Send completed EAR and Executive Capabilities to ACTHDExecutiveRecruitment@act.gov.au	<input type="checkbox"/>
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PSS to review paperwork and send to Office of the Director-General (ODG) for review and DG approval	<input type="checkbox"/>
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PSS to progress approved paperwork to Shared Services Executive Contract Management Team (SSECMT) for EAR to be approved.	<input type="checkbox"/>
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Business Unit Executive forms selection panel before the process commences.	<input type="checkbox"/>
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Business Unit complete EAR for the new Executive to be in the role, send to ACTHDExecutiveRecruitment@act.gov.au with attachments	<input type="checkbox"/>
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PSS to review paperwork and send to ODG for review and DG approval	<input type="checkbox"/>
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PSS to progress to SSECMT for EAR to be approved and contract to be issued	<input type="checkbox"/>
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HoS approval of candidate confirmed, and contract issued	<input type="checkbox"/>
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Announce recruitment outcome, start date etc	<input type="checkbox"/>
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Above nine months up to Five years	
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Contact PSS team on ACTHDExecutiveRecruitment@act.gov.au to discuss	<input type="checkbox"/>
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Business unit prepare EAR for short term appointment advertisement	<input type="checkbox"/>
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Send completed EAR and Executive Capabilities to ACTHDExecutiveRecruitment@act.gov.au	<input type="checkbox"/>
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PSS to do quality check of paperwork and send to ODG for review and DG approval	<input type="checkbox"/>
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PSS to progress to CMTEDD for EAR to be approved.	<input type="checkbox"/>
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Position published on jobs ACT & other recruitment forums.	<input type="checkbox"/>
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Convene recruitment panel & complete selection report.	<input type="checkbox"/>
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Complete EAR for the new Executive to be in the role, send to ACTHDExecutiveRecruitment@act.gov.au with attachments	<input type="checkbox"/>
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PSS to review paperwork and send to ODG for review and DG approval.	<input type="checkbox"/>
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PSS to progress to SSECMT for EAR to be approved and contract to be issued.	<input type="checkbox"/>
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HoS approval of candidate confirmed, and contract issued.	<input type="checkbox"/>
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Announce recruitment outcome, start date etc.	<input type="checkbox"/>
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Long-term re-engagements	
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Convene the panel and should, at a minimum, consist of:	
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- For Executive Band 1 Executives, the panel should include the relevant DG and a Band 2 or above Executives.
- For Executive Band 2 and above Executives, the panel should comprise of the relevant DG and a DG from another directorate.



Contact ACTHDExecutiveRecruitment@act.gov.au to discuss.	<input type="checkbox"/>
Business area to prepare a brief to DG and a letter to the Executive in the role advising the reengagement process.	<input type="checkbox"/>
Send completed EAR, approved brief and letter to ACTHDExecutiveRecruitment@act.gov.au	<input type="checkbox"/>
Convene recruitment panel & complete selection report.	<input type="checkbox"/>
Complete EAR for long term contract, send to ACTHDExecutiveRecruitment@act.gov.au with attachments.	<input type="checkbox"/>
PSS review paperwork and send to ODG for review and DG approval.	<input type="checkbox"/>
PSS to progress to SSECMT for EAR to be approved and contract to be issued.	<input type="checkbox"/>
HoS approval of candidate confirmed, and contract issued	<input type="checkbox"/>
Announce process outcome.	<input type="checkbox"/>