



Department:
Community Safety & Transport Management
North West Provincial Government
REPUBLIC OF SOUTH AFRICA

TRANSFER POLICY

NORTHWEST PROVINCE:
DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT
HUMAN RESOURCES POLICY

POLICY NO. : SEPTEMBER 2017
NAME OF POLICY : TRANSFER POLICY
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SECTION 1

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PREAMBLE

The North West Department of Community Safety and Transport Management ensures that it grants transfer and secondment to all affected employees in a just and fair manner.

1. PURPOSE

The purpose of this policy is:

- a. To ensure that request for transfer is granted without prejudice or favour.
- b. To ensure employees are not transferred without proper approval.
- c. To ensure proper transfer procedures are followed.
- d. To rotate and develop employees to different types of jobs within the Department at same salary level.
- e. To ensure consistent and efficient secondment process throughout the Department.

2. OBJECTIVES OF THE POLICY

- a. To ensure transfer is not affecting smooth running of service delivery
- b. To make sure that lateral transfer is not employed to block the filling of vacant and funded posts.
- c. To make sure employer doesn't use transfer to avoid managing unsatisfactory performance.
- d. To make sure employer doesn't move or relocate employees on the basis of prejudice.
- e. To transfer or relocate employees, where there is a need and post is vacant and funded.
- f. To provide guidelines according to how employees could be seconded to other institutions or government department.

3. SCOPE OF APPLICATION

The policy is applicable to all permanent employees within the Department, as identified.

4. LEGISLATIVE FRAMEWORK

- 4.1 The Constitution of the Republic of South Africa, 1996
- 4.2 Public Service Act (Act No. 103 of 1994) as amended;
- 4.3 Public Service Regulations 2016
- 4.4 Public Finance Management Act (Act No. 1 of 1999)
- 4.5 Basic Conditions of Employment Act (Act No. 85 of 1997) as amended;
- 4.6 White Paper on Human Resource Management in the Public Service.
- 4.6 National policy on the secondment of South African Public Service Employees
- 4.7 Transfer framework to facilitate transfers (mobility) of personnel between spheres of government 2004.

5. DEFINITIONS

- 5.1. HOD : Head of Department
- 5.2. Department : Community Safety and Transport Management, NW
- 5.3. Transfer : movement of officials within or outside the Department
- 5.4. Secondment : placement of an employee with his or her consent for a Particular service and for stated period from one government Department to another or any other Institutions.
- 5.5. Cross transfer : A horizontal movement by two permanent government employees within the Province or outside the Province who are on the same post/rank and salary level.
- 5.6. Employee : An employee includes all prospective employees of the Department employed in terms of the Public Service Act of 1994, excluding contract workers, interns, and volunteers.
- 5.7. Recipient organisation : The other government department, other body, Institution to which the employee has been seconded or is to be seconded
- 5.11. Immediate family : shall refer to spouse, minor children, and relatives who lives with the employee and relies on the employee at the time of resettlement and who depend on an employee
- 5.12. Resettlement : the movement of an employee, his or her immediate family and personal belongings from his current working station to the new working station
- 5.13. MPSA : Minister for Public Service and Administration

6. PRINCIPLES

- 6.1 Chapter 1V Section 14(2) (a) of the Public service Act 1994 provides that the transfer of an employee from one post/position to another shall be on the authority of the person having the power to transfer.
- 6.2. Any costs associated with transfer of employees due to employers requirements shall be done in accordance to PSCBC resolution 3 of 1999.
- 6.3. The employee remains subject to Public service regulations and to the code of conduct.
- 6.4. The employees existing financial position will be maintained.
- 6.5. Secondment terms should be set out in a written agreement between the releasing and recipient organisation.

7. POLICY STATEMENT

7.1 The Department is fully committed to transfer, or relocate officials where there is a vacant and funded position within the organisational structure or to any component at another department within and outside the provincial department and to second employees where service delivery is a requirement.

8. TRANSFERS –INITIATED BY EMPLOYEE

8.1. Employees to request transfer in writing, and the request should be accompanied by the recommendation from the releasing and accepting Manager.

8.2 The request should be submitted to the Director Human Resource Management to confirm post availability and further liaise with Finance Directorate to confirm the budget.

8.3 The authority to approve transfer rests with either the Member of executive Council or the Head of department as per the departmental delegations, and as provided for by the Public service Act 1994.

8.4. Chapter 1V Section 14(2)(a) of the Public service Act 1994 provides that the transfer of an employee from one post/position to another shall be on the authority of the person having the power to transfer.

8.5. Employer is not responsible for any transfer costs linked to self initiated transfer, and any absences during the transfer transitions will be covered by leave or leave without pay where appropriate.

8.6. Whilst employees are transferred within the department, between components, employer will consider that this transfer is effected at the same salary level of the employee and the position he or she is transferred to.

8.7. The vacant and funded position should have been identified into which the employee/s will be transferred to. Employee will only be released to the new working station once his or her transfer is approved and the letter confirming the transfer is given to him or her.

8.8. Transfer of an employee should take into consideration, the operational requirements of the organisation e.g shortage of personnel in a specified component.

8.9. Employee who have been promoted to another working station or component will not be permitted to request transfer before completing at least period of two (2) years of service in his or her current working station or component.

- 8.10. The Department may consider application for cross transfer only where circumstances necessitated such transfer, such requests are deemed justifiable and a recommendation is obtained from the releasing and the envisaged work stations.
- 8.11. Employees applications on cross transfer, must include requests from both members requesting to cross transfer. Letters to cross transfer by both employees must be accompanied by recommendations from both Managers releasing and accepting.
- 8.12. Both cross transfer requests must be submitted to the Director Human Resource Management for further submission to either the Executing Authority or the Head of Department for approval where applicable.
- 8.13. Resettlement costs shall not apply in this regard. In the case of cross transfer within the Department, the two employees must assume duties to their envisaged stations on the same date to ensure proper relocation on Persal system (exchange of two people in posts).
- 8.14. All transfers, relocations and movement of employees must be reported to Director, Human Resources Management to enable proper placement on Persal Establishment and to ensure proper reporting on employees payroll system.

9. TRANSFERS –INITIATED BY EMPLOYER

- 9.1. In terms of clause (14) (1) of the Public Service Act 1994, as amended every officer or employee may, when the public interest so requires, be transferred from the post occupied by him or her, to any other post or position in the same or any other department, irrespective of whether such post or position is in another division, or is of a lower or higher grade, or within or outside the Republic.
- 9.2. The transfer of an employee from one post or position to another post or position, and transfer from one department to another shall first obtain approval by the Executive authority or by Head of department.
- 9.3 An Employee may be transferred as per provisions of 9.1 and 9.2 above, only if the Employee requests the transfer or consent to the transfer or in the absence of such request or consent , after due consideration on any representations by the Employee, the transfer is in the Public interest.

9.4. An employee shall not upon transfer suffer any reduction in his or her salary or scale of salary without his or her consent, except in accordance with the provisions of section 38 of the Public Service Act.

9.5. An employee who has been transferred to a post which is graded higher than his or her own grade, shall not by reason only of that transfer be entitled to the higher scale of salary applicable to the post.

9.6. Transfer of employees shouldn't be used as a mechanism to block the filling of a vacant funded position/s through competition.

9.7. Where employer is required to re-organise the department or component, employees should be consulted and their personal circumstances be taken into consideration before transfer is effected.

9.8. Whilst transfer/s in some instances may be used positively for performance management, it should however not be used to avoid dealing with employees whose performance or conduct is unsatisfactory.

9.9. Transfer should also not be used as a tool to move employees on the basis of personal prejudice.

9.10. Conditions of service of the transferred employee/s may not be less favourable than those received from the old employer.

9.11. Any costs associated with transfer of employees due to employers requirements shall be done in accordance to PSCBC resolution 3 of 1999 and the Departmental Resettlement Policy.

10. SECONDMENT OF EMPLOYEES

10.1. The purpose of seconding employees within the Public Service and other entities is to:

10.1.1. Further the interest of the Republic of South Africa internationally or that of the relevant department.

10.1.2. Assist where appropriate in the proper functioning of organisations and entities outside the Public Service.

10.1.3. Enhance the skills levels of employees by exposing them to particular jobs, and work environment at other employers or entities.

10.2. The terms and conditions of secondment have to be agreed beforehand and that Secondment terms should be set out in a written agreement between the releasing and recipient organisation.

10.3. The secondment shall be subject to the employee's consent, and the duties performed by the employee during secondment will have to equip him or her with skills and competencies that could be put to good use in the department or Public Service at large.

10.4. The period of secondment is limited to 12 calendar months with the latitude for the MPSA to determine longer period based on operational reasons. The limitation on secondments introduced is to avoid employees being absent from the appointed posts for excessive periods, compromising the work they were appointed to do and recognising that such absenteeism places an additional burden on other employees to perform the duties of seconded person.

10.5. Seconded employees may in the discretion of the department, be contractually bound to continue employment in the department or Public service after expiry of the term of secondment.

10.6. The department will endeavour to release the most suitable employee for secondment. The employee's suitability shall be based on the inherent requirements attached to the duties to be performed, including the capacity building needs of the employee and the loyalty that the employee had displayed to the department and the Republic of South Africa.

10.7. The secondment of the employee must be taken with due regard to the need for enhancing the relevant employees skills, and must not compromise service delivery in the department.

10.8. The employee remains subject to the employment conditions, and is entitled to the conditions of service that apply to employees in the department. The seconded employee continue occupying his or her post on the establishment of the department during the period of secondment.

10.9. The department should have regular contact with the employee to ensure proper monitoring of secondment arrangements, and to ensure employee is kept abreast with departmental development and with regard to employee's employment.

10.10. The recipient organisation shall bear all inclusive costs of the secondment; the department should continue the payment of the employee's salary and conditions of service, as well as the deduction of any monies during period of secondment.

10.11. The expenditure incurred by the department in respect of salary and conditions of service paid to the employee during his or her secondment must be recovered from the recipient organisation.

10.12. An employee shall be seconded with retention of his or her salary and any other conditions of service applicable to him or her. The employee should inform the

department of any additional remuneration, and or conditions of service paid directly to him or her by the Recipient organisation.

10.13. The employee must utilise his or her leave of absence entitlement in consultation with the department and the Recipient organisation. The recipient organisation shall be responsible for any leave payout in the event where the employee couldn't utilise his or her annual leave due to operational requirements during leave cycle or extended grace period of six months.

10.14. The responsibilities, performance areas and the outputs for which the employee will be responsible must be clearly identified prior to concluding the secondment agreements, and they must form part of a performance agreement entered into with the employee by both department and the Recipient organisation.

10.15. The employee will for the duration of the period of secondment remain subject to the disciplinary code and procedure applied by the department. The Recipient organisation must bring any alleged transgressions by the employee to the attention of the department. The department should take disciplinary action against the employee if it is deemed appropriate.

10.16. The employee secondment may be terminated due to the inefficiency on the part of the employee, or due to the change in operational needs of the Recipient organisation or department or due to the personal circumstances of the employee.

11. DISPUTE RESOLUTION

11.1. When an employee alleges that a grievance has arise out of the act of a superior or Manager in charge of him/her, the grievance shall immediately be referred to the next level of supervision or management.

12. MONITORING, EVALUATION AND REVIEW

12.1. The Department's Human Resources Administration Sub-Directorate is responsible for communicating the provisions of this document within the Department. All Managers and Supervisors are responsible for the implementation thereof.

12.2. The policy shall be reviewed and amended as and when a need arises to ensure that it is aligned to prevailing legislations.

13. RELATED POLICIES

13.1. This policy must be read together with other Departmental Human Resources policies.

14. COMMENCEMENT OF THE POLICY

14.1 This policy shall be implemented by the Department with effect from the date of approval and signature by the HOD.

APPROVED



HEAD OF DEPARTMENT

SIGNED THIS DAY.....*22nd*.....OF.....*SEPT,*.....2017.