




Province of the
EASTERN CAPE
COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

TRANSFER POLICY

2021

I am satisfied and concur with the contents of this Policy.


The development of the Transfer policy will ensure the department is able exercise its powers in compliance with the law and guide decision- making in the Department.

Signed	
Designation	Head of Department
Date	30/03/2021

II. Executive Authority

The department of Cooperative Governance and Traditional Affairs has unprecedented opportunity to improve the lives of people by effectively rendering many services that it is expected to provide. We have envisaged a Department that has the required capacity to respond adequately to challenges of its people.

I therefore trust that guidance from this Transfer policy will contribute to the effective guiding the allocation of financial assistance to staff of the Department who wants to further their studies.

Signed	
Designation	MSC
Date	30/03/21

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1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs through this Transfer Policy intends to provide horizontal transfers of the staff within and outside the department

and further provide for strategic placement of staff in accordance with the specific needs of the department that may arise from time to time.

2. PURPOSE OF THE POLICY

- 2.1 To give effect to the Public Administration Management Act, 11 of 2014.
- 2.2 To ensure that a request for transfer is granted without prejudice or favour.
- 2.3 To ensure that employees are not transferred without proper approval.
- 2.4 To provide procedures and processes to be followed when applying for transfers and ensure that they are fair and transparent.
- 2.5 To promote family reunion where for reasons and circumstances beyond the staff members.
- 2.6 To achieve optimum utilization of employee' skills, talents and enhance career advancement by employing the suitable persons in a more advantageous work situation through promotion.
- 2.7 To rotate and develop employees to different types of jobs within the Department at same salary level.
- 2.8 To ensure a consistent and efficient secondment process throughout the Department.
- 2.9 To gain and sustain employee motivation for high quality and productivity.
- 2.10 To fulfil the legitimate expectations employees have, that their efforts will lead to effective performance and who further anticipate important rewards for their accomplishment.
- 2.11 To minimize the effects of job poaching and hopping by creating a conducive workplace environment in which employees are aware that there are prospects for upward mobility and good incentives for excellent performance where they are employed.
- 2.12 To comply with the provisions of the employment equity legislation which obliges designated employers to, amongst other things, implement affirmative action measures aimed at the acceleration of the employment of persons from the historically disadvantaged groups.

3. OBJECTIVES OF THE POLICY

- 3.1 To ensure transfer is not affecting smooth running of service delivery.
- 3.2 To ensure that a lateral transfer is not employed to block the filling of vacant and funded posts.
- 3.3 To ensure that the employer does not use transfers to avoid managing unsatisfactory performance.
- 3.4 To ensure that the employer does not move or relocate employees on the basis of prejudice.
- 3.5 transfer or relocate employees, where there is a need and post is vacant and funded.
- 3.6 To provide guidelines according to how employees could be seconded to other institutions or government departments.

4. SCOPE OF APPLICATION

The policy is applicable to all permanent employees within the Department of Cooperative Governance and Traditional Affairs, as identified, and including those who want to be transferred to the department.

5. DEFINITIONS

Terms and definitions that will be used throughout the procedure that need clarification for the reader, this can also include any keywords; including also technical terms, abbreviations that may be used in this document.

Terminology and Acronyms	Definitions (with examples if required)
Transfer	Means the permanent lateral movement of an employee from one position to another position in the same or another job category assigned to the same salary range.
Cross transfer	A horizontal movement by two permanent government employees who are on the same post/rank and salary level, within the province or outside the province.
Department	Department of Cooperative Governance and Traditional Affairs, Eastern Cape.
PSCBC	Public Service Co-ordinating Bargaining Council

Employee	Any person, excluding an independent contractor who works for another person or for the State and who receives, or is entitled to receive any remuneration; or any other person who in any manner assists in carrying on or conducting the business of an employer.
Immediate family	Shall refer spouse, minor children , and relatives who live with the transfer/secondment candidate and who are financially dependent of the transfer/secondment candidate.
Resettlement	The movement of an employee, his or her immediate family and personal belongings from his current working station to the new working station
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 institution.

6. LEGISLATIVE FRAMEWORK

- 6.1 Constitution of the Republic of South Africa, Act 108 Of 1996.
- 6.2 Labour Relations Act, Act 66 of 1995 (as amended)
- 6.3 Employment Equity Act, Act 55 of 1998
- 6.4 White Paper on Human Resource Management in the Public Service
- 6.5 Public Service Regulations, 2016
- 6.6 Public Service Act, Act 103 of 1994 (as amended)
- 6.7 Basic Conditions of Employment Act (Act 85 of 1997) as amended
- 6.8 Public Finance Management Act (Act No. 1 of 1999)
- 6.9 National policy on secondment of South African Public Service Employees.
- 6.10 Transfer framework to facilitate transfers (mobility) of personnel between spheres of government 2004.

7. CONSULTATION PROCESS WITH STAKEHOLDERS

A number of stakeholders have been consulted for inputs. Line Managers from different components, organised labour, human resource management employees, labour relations and other employees at all levels were represented in the drafting of this policy document and their inputs have been discussed and incorporated in this policy.

8. POLICY PRINCIPLES INHERENT IN THE TRANSFER POLICY

The guiding principles that underpin this policy including the underlying values and concepts that are required to support the intention of the policy are as follows.

8.1 BATHO PELE PRINCIPLES

The Transfer Policy is in line with the provisions of Batho Pele Principles.

8.2 PARTICIPATION

All line managers and employees are key to the successful implementation of this policy.

8.3 ACCOUNTABILITY

All line managers and employees will be required to account for non-adherence to the provisions of this policy. Non-compliance will be dealt with in terms of the Disciplinary Code and Procedures.

9. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs is committed in ensuring that the organization's policy regarding transfer of permanent employees between departments arising from re-assignment, promotion or lateral transfer is applied in a fair and transparent manner and the senior management reserves the right to transfer staff to alternative posts as

appropriate to maintain the effective and efficient running of the organisation. The policy also seeks to ensure that the principles embodied in the Public Service Act of 1994 (as amended) and Public Service Regulations of 1999 and PSCBC resolution of 1999 are adhered to.

10. PRIORITY

The department retains the discretion to transfer staff as it deems necessary where there are exceptional or extenuating circumstances with the approval of the Head of Department.

Otherwise, the following priorities will be applied:

10.1 Excess Staff who require redeployment will take precedence over all other transfer requests;

10.2 Priority consideration will be given to those staff who have disabilities as defined by Employment Equity Act 55 of 1998, where a transfer would constitute a reasonable adjustment;

10.3 Requests for other reasons will all be equally weighted for consideration.

In instances where there is more than one request for a location or post, applications for transfers will be applied in date order.

11. REQUIREMENTS AND CONDITIONS OF TRANSFER AND SECONDMENTS

The transfer of an employee to any institution shall be subject to the conditions and terms stipulated in sections 5 and 6 of the Public Administration Management Act, 11 of 2014 read with sections 14 and 15 of the Public Service Act, 103 of 1994.

11.1. Horizontal transfer (transfer initiated by employer)

11.1.1 In terms of section (14)(1) of the Public Service Act of 1994, as amended, every officer or employee may, when the public interest so requires, be transferred from the post occupied by him/her to any 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.

- 11.1.1 The transfer of an employee from one post or position to another post or position, and transfer from one department or another shall first obtain approval by the Executive authority or by Head of Department.
- 11.1.2 An employee shall not upon transfer suffer any reduction in his/her salary or scale of salary without his/her consent, except in accordance with the provisions of section 38 of the Public Service Act.
- 11.1.3 An employee who has been transferred to a post which is graded higher than his /her own grade, shall not by reason only of that transfer be entitled to the higher scale of salary applicable to the post.
- 11.1.4 Transfer of employees should not be used as a mechanism to block the filling of a vacant funded post through competition.
- 11.1.5 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.
- 11.1.6 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 conduct is unsatisfactory.
- 11.1.7 Transfers should also not be used as a tool to move employees on the basis of personal prejudice.
- 11.1.8 Conditions of service of the transferred employee/s may not be less favourable than those received from the old employer.
- 11.1.9 Any costs associated with transfer of employees due to employers' requirements shall be done in accordance with PSCBC resolution 3 of 1999 and the Departmental Resettlement Policy.

11.2 Cross-transfer (transfer initiated by employee)

Two employees of equal rank employed/stationed at different offices or departments may agree to swap their respective employment positions and placement. The cross-transfer has no financial implications as it is initiated by the employees. Internal applications for the respective transfers must be channelled through superiors/managers before they are referred to Human Resource Component and the following process shall be followed:

- 11.2.1 Employee to request transfer in writing, and the request should be accompanied by the recommendation from the releasing and accepting Manager.
- 11.2.2 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
- 11.2.3 The authority to approve transfers 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 of 1994.
- 11.2.4 Chapter IV Section 14(2)(a) of the Public Service Act of 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.
- 11.2.5 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.
- 11.2.6 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.
- 11.2.7 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/her transfer is approved and the letter confirming the transfer is given to him/her.
- 11.2.8 Transfer of an employee should take into consideration, the operational requirements of the organisation e.g. shortage of personnel in a specified component.
- 11.2.9 Employee who have been promoted to another working station or component will not be permitted to request transfer before completion of at least two (2) years of service in his/her current working station or component.
- 11.2.10 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 envisaged work stations.

- 11.2.11 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.
- 11.2.12 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)
- 11.2.13 All transfers, relocations and movement of employees must be reported to Director, Human Resource Management to enable proper placement on Persal Establishment and to ensure proper reporting on employee's payroll system

11.3. Inter Departmental Transfer

Inter Departmental transfers must be channelled through the Head of a Department before it is referred to another Department. Either Department can approach each other for the initiated transfers of their respective employees and such correspondence should be accompanied by proof of request from the applicant. In terms of the policy self-application for transfer without the involvement of the Head of Chief Directorate or Department is prohibited.

11.4. Secondment of employees

- 11.4.1 The purpose of seconding employees within the Public Service and other entities is to:
- 11.4.1.1 Further the interest of the Republic of South Africa internationally or that of the relevant department.
 - 11.4.1.2 Assist where appropriate in proper functioning of organisations and entities outside the Public Service.
 - 11.4.1.3 Enhance the skills levels of employees by exposing them to particular jobs, and work environment at other employees or entities.
 - 11.4.1.4 The terms and conditions of secondment have to be agreed beforehand and those Secondment terms should be set out in a

written agreement between the releasing and recipient organisation.

- 11.4.2 The secondment shall be subject to the employee's consent, and the duties performed by the employee during secondment will have to equip him/her with skills and competencies that could be put to good use in the department or Public Service at large.
- 11.4.3 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 a seconded person.
- 11.4.4 Seconded employees may at the discretion of the department, be contractually bound to continue employment in the department of Public Service after expiry of the term secondment.
- 11.4.5 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.
- 11.4.6 The secondment of employee must be taken with due regard to the need for enhancing the relevant employee skills, and must not compromise service delivery in the department.
- 11.4.7 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 continues occupying his/her post on the establishment of the department during the period of secondment.
- 11.4.8 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.
- 11.4.9 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.

- 11.4.10 The expenditure incurred by the department in respect of salary and conditions of service paid to the employee must be recovered from the recipient organisation.
- 11.4.11 An employee shall be seconded with retention of his/her salary and any other conditions of service applicable to him/her. The employee should inform the department of any additional remuneration, and or conditions of service paid directly to him/her by the recipient organisation.
- 11.4.12 The employee must utilise his/her leave of absence entitlement in consultation with the department and the recipient organisation. The recipient organisation shall be responsible for any leave pay-out in the event where the employee couldn't utilise his/her annual leave due to operational requirements during leave cycle or extended grace period of six months.
- 11.4.13 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 the department and the recipient organisation.
- 11.4.14 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.
- 11.4.15 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.

12. ROLES AND RESPONSIBILITIES

12.1. Line Managers

Line Managers may recommend or not recommend the transfer of an employee based on valid reason. The Line Manager has the responsibility of submitting the application for the transfer to the Head of the Chief Directorate and in turn submits the application to Human Resource for further processes, only if it is recommended.

12.2. Human Resource Management

12.2.1. The head H.R.M shall write a memorandum to the Head of Department or delegated authority for approval of the transfer.

12.2.2. Write a letter to the applicant informing him/her of the result of a transfer through the Head of Chief Directorate or Department.

12.2.3. Implement the transfer on Persal System.

12.2.4. Request the Personnel, Leave and Housing files of the transferred employee.

12.3. Employee

No employee will be allowed to undermine the authorities of the Department by placing himself or herself under any circumstances in any centres of the Department without the approval of the relevant authorities.

13. COMMUNICATION / EDUCATION OF THE POLICY

The transfer policy will be communicated throughout the department to all its employees using workshops, intranet, and workgroups.

14. MONITORING AND EVALUATION OF THE IMPLEMENTATION OF THE POLICY

Human Resource Management will monitor the implementation of this policy and will submit a quarterly report to the Chief Director: Corporate Services for submission to the Head of Department.

15. APPROVAL OF THE POLICY

The policy will be approved by the Member of Executive Council (MEC) on the recommendation of the Head of Department as per the updated departmental delegations and the policy will become official on the date it is signed by the Executing Authority.

16. DISPUTE RESOLUTION MECHANISM

In the event of disputes arising out of this policy, such disputes will be dealt with in terms of the grievance procedure and labour legislation applicable in the Public Service

17. REVIEW OF THE POLICY

The policy will be reviewed and amended in line with future legislative promulgations and collective agreements. The development of this Policy is a dynamic process and that it may require revision from time to time.

18. VERSION CONTROL AND CHANGE HISTORY

Version Control	Date Effective	Approved By	Amendment
Start from	YYMMDD (the date the policy takes effect)	Contact person – full name & title.	Include any superseded procedures and what the amendment is to the document.

2011	2011-03-22	Mlibo Qhoboshiyane (MEC)	
2014			