

PROVINCE OF THE EASTERN CAPE



Department of Rural Development and Agrarian Reform

DEPARTMENTAL POLICY ON TRANSFER

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DEFINITIONS

Terminology 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.
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.
Relatives	Means a promotion candidates parent, adopted parent, grandparent, great grand parent, child, grandchild etc.

1. INTRODUCTION

The Department of Rural Development and Agrarian Reform 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 provide procedures and processes to be followed when applying for transfers and ensure that they are fair and transparent.
- 2.2. To promote family reunion where for reasons and circumstances beyond the staff members.
- 2.3. To achieve optimum utilization of employee' skills, talent and enhance career advancement by employing the suitable persons in a more advantageous work situation through promotion.
- 2.4. To gain and sustain employee motivation for high quality and productivity.
- 2.5. To fulfil the legitimate expectations employees have, that their efforts will lead to effective performance and who further anticipate important rewards for their accomplishment.
- 2.6. 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.
- 2.7. 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.
- 2.8. Basic needs are not being met (i.e. retired staff are not receiving their pensions)
- 2.9. Resources are distributed unfairly (i.e. staff development is limited to those with higher grades).

3. OBJECTIVES

- 3.1. To ensure the orderly and fair consideration and handling of transfers by:-
- 3.2. Providing measures and guidelines for the consideration of transfers.
- 3.3. Ensuring the retention of skilled employees in whom the Department has invested.
- 3.4. Rotation of employees in order to ensure multi-skilling and optimal utilization of staff.

4. REGULATORY FRAMEWORK

- 4.1. Constitution of the Republic of South Africa, Act 108 of 1996
- 4.2. Labour Relations Act, Act 66 of 1995 (as amended)
- 4.3. Employment Equity Act, Act 55 of 1998
- 4.4. White Paper on Human Resource Management

- 4.5. Public Service Regulations, 2001 (as amended in 2016)
- 4.6. Public Service Act, Act 103 of 1994 (as amended)
- 4.7. Basic Conditions of Employment Act, Act 75 of 1997

5. PRINCIPLES, VALUES & PHILOSOPHY

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:-

5.1. GENERAL

- 5.1.1. Any request for a transfer shall be processed through the official channels of communication and any final decision on or notice of transfer shall be in writing.
- 5.1.2. An employee' rank and salary position shall remain unchanged with a transfer except in the event of a transfer combined with a promotion.
- 5.1.3. The rank and salary position may not be reduced without the employee's consent except if it as result of the implementation of a sanction after the procedures in terms of the PSCBC resolution have been followed. Such consent or refusal shall be provided in writing by the employee.
- 5.1.4. The mere fact that an employee has applied for a transfer in writing shall not be construed as a written consent without the necessary approval by the Head of Department or delegated authority. Such consent shall be specific and can be set as a precondition before the transfer can be effected.
- 5.1.5. An employee who is still on probation and is transferred shall complete the remaining period of his/her probation at the new headquarters.
- 5.1.6. Cost implications shall inform the management decision regarding transfers.
- 5.1.7. Employees who accept transfers coupled with promotion will have to seriously consider the implications. Reasons for transfer request that existed prior to accepting a transfer will not be considered as justifiable motivation.
- 5.1.8. A request for a transfer shall not be unreasonable denied in line with the principles of the Career Management and Retention Policy.

5.2. BATHO PELE PRINCIPLES

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

5.3. PARTICIPATION

- 5.3.1. All Line Managers and employees are key to the successful implementation of this policy.

5.4. ACCOUNTABILITY

- 5.4.1. 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.
- 5.4.2. This element is an expression of values and principle framework underpinning the policy that needs to be understood in a similar way by all those implementing the policy.

6. SCOPE OF APPLICABILITY

- 6.1. The Transfer Policy will be applicable to all the employees of the Department of Rural Development & Agrarian Reform or employees of other National/ Provincial Government Departments who apply for transfers.

7. IMPLEMENTATION PROCEDURES

7.1. CATEGORIES OF TRANSFERS

7.1.1. HORIZONTAL TRANSFER

- 7.1.1.1. Employer Initiated Transfer: The employer is responsible for payment of transportation, accommodation and other related costs.
- 7.1.1.2. Employee Initiated Transfer: The employee initiated transfer has no financial implications to the department.

7.2. CROSS-TRANSFER

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

7.2.2. INTER DEPARTMENTAL TRANSFER

- 7.2.2.1. Inter Departmental transfers must be channelled through the Head of Department before it is referred to another Department.
- 7.2.2.2. 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.
- 7.2.2.3. In terms of the policy self-application for transfer without the involvement of the Head of the Chief Directorate or Department is prohibited. Written requests shall contain the following:
- (a) CV
 - (b) Present rank and salary position
 - (c) Experience within the Department
 - (d) Reasons for transfer request
 - (e) Centre(s) to which transfer is requested

7.2.3. TRANSFERS INITIATED BY EMPLOYER

- 7.2.3.1. The recipient office shall be responsible to fund the transfer. Transfers initiated by the Department shall be well considered and shall be a result of careful human resource and/or career planning process.
- 7.2.3.2. In cases where the transfer / rotation is initiated by the Department of the Manager concerned the full consultation process must be embarked upon to

ensure that the employee concerned fully understands the rationale behind the decision. In other words, the *Audi Alteram Partem* rule, must be adhered to.

- 7.2.3.3. If however the transfer relates to inadequate work performance alleged misconduct, the style of management, supervision or services rendered, this rule shall be applied before a decision is taken.
- 7.2.3.4. The employee shall not unreasonable refuse to consent to a transfer initiative that is deemed to be in his/her own interests and that of the Department.
- 7.2.3.5. In the case of a transfer from one department to another department, the current supervisor and new supervisor shall negotiate the date of release/assumption of duty where after the local Head Human Resource Administration component will be informed in writing.
- 7.2.3.6. Candidates who apply for vacancies from other offices who on being successful, will have to relocate shall commit themselves to having taken informed decision for such transfer existed prior to the employee accepting a transfer. Good cause must be shown for consideration and such shall be circumstances that did not prevail prior to accepting transfer and relocation.
- 7.2.3.7. Any transfer initiated by the employer and/or which linked to promotion to a vacant post shall be at the expense of the employer and be dealt with in terms of relevant prescripts.

7.2.4. REDEPLOYMENT

- 7.2.4.1. The staffing of the Department due to restructuring and operational requirements may necessitate re-deployment which may entail the relocation of an employee's place of residence, on condition that various objectives, i.e. serving official's legal rights as well as the creation of capacity to promote representativity, is addressed simultaneously.
- 7.2.4.2. Such process will be embarked upon with the consultation of recognised employee organisation.

7.3. EMPLOYMENT EQUITY TARGETS

- 7.3.1. When considering requests for transfers of internal staff, managers shall be reasonable without seriously jeopardizing the achievement of the numerical goals in terms of the Employment Equity Plan of the Department.

7.4. LEAVE

7.4.1. Annual Leave/ Sick Leave

- 7.4.1.1. If an employee is transferred without a break in service between government departments or in terms of section 15(1) of the Public Service Act, the employee shall retain his/her accumulated vacation leave/sick leave and his/her previous service shall count for leave purposes.

7.4.2. Special Leave

7.4.2.1. Employees whose transfer/redeployment is initiated by the employee will qualify for two days special leave for the purposes of a visit to their new headquarters during which time it shall be endeavoured to secure a new dwelling before moving of his/her household belongings to the new headquarters.

7.5. Home owner allowance

7.5.1.1. The Department shall for employees whose transfer/redeployment is initiated by the employer, continue to pay the home owner allowance on a home for a limited period if the transfer is within the borders of the Republic and the transferred employee's immediate family continue occupying the dwelling at the previous headquarters.

7.5.1.2. The payment of such home owner allowance shall be paid for the shortest period i.e. until the home is sold and is registered in the new owner's name or for a period of six months from the date the transfer comes into effect.

7.6. STEPS TO ASSIST TRANSFERRED/ REDEPLOYED EMPLOYEES

7.6.1. Employers generally take great effort to address the logistical issues of transfers but ignoring relocation's psychological effects in workplace, e.g. cultural and procedural changes that may lead to feeling of frustration, alienation and loss.

7.6.2. Employees who are to be transferred / redeployed or have been transferred to this Department, may be offered counselling services by means of a comprehensive and systematic approach by the Department's Employee Wellness Programme (EWP) which is available to all employees of this Department.

7.6.3. Employees applying for transfers to the Department may be required to be interviewed for purposes of assessing suitability by the receiving office. The manager/supervisor of the recipient office shall initiate the interview process in consultation with the office from which the applicant comes from.

8. ROLES / RESPONSIBILITIES

8.1. Line Managers

8.1.1. Line Managers may recommend or not recommend the transfer of an employee based on valid reasons.

8.1.2. The Line Manager has the responsibility of submitting the application for the transfer to the Head of the Chief Directorate and in turn submit the application to Human Resource for further processes, only if it is recommended.

8.2. Human Resource Administration

8.2.1. The Head Human Resource Administration shall write a memorandum to the Head of Department or delegated authority for approval of the transfer.

- 8.2.2. Write a letter to the applicant informing him/her of the result of a transfer through the Head of Chief Directorate or Department.
- 8.2.3. Implement the transfer on Persal System. Request the Personnel, Leave, Housing and PMDS files of the transferred employee.

8.3. Employee

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

9. MONITORING AND EVALUATION

- 9.1. Human Resource Administration 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.


10. POLICY REVIEW

The policy will be reviewed after three years from the date of approval and when are material changes in the enabling legislation.

11. RECOMMENDATIONS AND APPROVAL

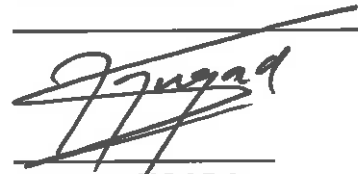
RECOMMENDED/~~NOT RECOMMENDED~~

Recommended for approval


MRS. Z. MAKINA
DDG: ADMIN
DATE: 28/03/2018

APPROVED/~~NOT APPROVED~~

Comments: _____


MR. L.L. NGADA
HEAD OF DEPARTMENT
DATE: 28/03/2018