



**DEPARTMENT OF SOCIAL DEVELOPMENT
KWAZULU NATAL**

POLICY ON TRANSFER

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1. INTRODUCTION

The policy on transfers takes into consideration the movement of persons on transfer from one business unit to another within the department ; from one department to another within the province; as well as transfers between the national and provincial department. It also takes the consideration all legislative framework as well as resolutions of the Public Service Coordinating Bargaining Council. The policy recognizes the issues of fairness, equity as well as other related principles.

2. PURPOSE

The purpose of the policy is to create the regulatory framework for the processing of transfers.

3. OBJECTIVE

The objective of the policy is to allow transfer of employees in an orderly manner thus improving department's effectiveness and employee development without compromising service delivery.

4. SCOPE OF APPLICABILITY

This policy is applicable to all employees of the Department of Social Development who are appointed in terms of the Public Service Act,1994 (Proclamation No.103 of 1994), as amended.

5. LEGISLATIVE FRAMEWORK

5.1 Public Service Act, 1994 ((Proclamation No.103 of 1994), as amended;

5.2 Public Service Regulations, 2001 (Government notice NoR1 of 2001), as amended;

5.3 Labour Relations Act, 1995 (Act No.66 of 1995), as amended;

5.4 White Paper on Human Resource Management;

- 5.5 Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended; and
- 5.6 Treasury Regulations of 2000.

6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

- 6.1 **“Cross transfer”** means transfer between two (2) employees sideways;
- 6.2 **“Department”** means the KwaZulu-Natal Provincial Government, in its Department of Social Development;
- 6.3 **“Employee”** means 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; and any person who in any manner assists in carrying or conducting the business of an employer, and “employed” and “employment” have a corresponding meaning to that of “employee”;
- 6.4 **“Employee initiated transfer”** means transfer that is initiated by the employee;
- 6.5 **“Employer initiated transfer”** means transfer that is initiated by the employer;
- 6.6 **“Horizontal transfer”** means transfer of the employee from one post to another post of the same occupational level;
- 6.7 **“Inter-Provincial transfer”** means transfer from one Province to another or to National department;
- 6.8 **“Releasing department”** means the department, cluster, office or component that the employee is transferred from;
- 6.9 **“Receiving department”** means the department, cluster, office or component that the employee is transferred to;
- 6.10 **“Transfer”** includes a change-over to a regraded or renamed post, or from one grade to a higher grade connected to the same post, or from one rank to a higher rank or from one department to another

department or from one Province to another or from one Province to National or from one post a person occupies to any other post in the same department or any other department; and

6.11 **“Transfer of functions between departments”** means transfer of functions from one department to another department.

7. CIRCUMSTANCES UNDER WHICH A TRANSFER IS EFFECTED

The circumstances under which a transfer can be effected are as follows:

- 7.1 On request of the employee;
- 7.2 On request of the employer;
- 7.3 On transfer of functions between departments;
- 7.4 On account of promotion; and
- 7.5 On affirmative action.

8. GENERAL CONDITIONS

The general conditions under which transfers can be effected are: as follows

- 8.1 Requests accompanied by motivation shall be submitted in writing through the Supervisor to Human Resource components;
- 8.2 The vacant funded post must be identified before any transfer can be effected;
- 8.3 The salary level of the employee must be equivalent to that of a post identified;
- 8.4 Approval from a person with authority to transfer must first be obtained before any transfer can take place;
- 8.5 One (1) month notice must be served before an employee can be transferred excluding exceptional cases; and
- 8.6 Line managers must ensure that the transferred employee is appearing in the directorate’s payroll.

9. POLICY PRINCIPLES

The following principles shall form the bases of all transfers :

- 9.1 No employee shall be favoured or prejudiced in considering applications for transfer;
- 9.2 An employee shall not upon transfer suffer any reduction in his or her salary or salary scale without his or her consultation and shall retain continuity in the years of service;
- 9.3 All applications for transfer shall be considered on the basis of fairness and objectivity;
- 9.4 The operational requirements of the department shall be paramount.
- 9.5 Transfers shall not be used as a mechanism to block the filling of a vacant post through competition;
- 9.6 An employee who meets the needs of the post may apply for cross transfer. However, if either of the applicants has allegations against him/her no cross transfer shall be considered;
- 9.7 An employee must have served twelve (12) months in a post and component before he or she can apply for a transfer;
- 9.8 An employee must have been assessed before he or she can be transferred. In an event where an employee has recently been transferred and the receiving department does not have sufficient information to evaluate the employee's performance, the releasing department shall compile a report;
- 9.9 The releasing and receiving department has a right to conduct informal interview with the employee before transfer can be approved;
- 9.10 Any transfer must take place in consultation with the affected employee and employee's personal circumstances should be taken into account;
- 9.11 Whilst transfers may be used positively for performance management, it should, however, not be used to avoid dealing with

staff whose performance or conduct is unsatisfactory, neither may they be used to move staff on the basis of personal prejudice;

- 9.12 Transfer initiated by the employer in the light of human resource planning/career management/affirmative action, the employee shall be consulted where at all possible before final decision is taken and any representations which he or she may make to this effect must be taken into consideration;
- 9.13 The Executive Authority or a person delegated with responsibility may on exceptional cases approve transfer of an employee from one office to another where threats of assault/murder which is work related have been put against him or her, on the consent of the employee;
- 9.14 Where transfer is made as part of the affirmative action programme an employee shall be absorbed into the post on the condition that he or she meets the requirements;
- 9.15 An employee who has been transferred to a post which is graded higher than or lower than his or her grade, or is regraded or converted to a post of a higher grade than his or her own grade, shall not by reason only of that of transfer or employment be entitled to the higher scale of salary applicable to the post;
- 9.16 An employee who is on probation shall not apply for transfer;
- 9.17 An employee who has a contractual obligation to serve in the specific geographical area shall not apply for a transfer before the completion of the contractual period;
- 9.18 The receiving department must confirm the date of assumption of duties of the employee with Human Resource component;
- 9.19 The releasing department must attend to phase one (1) of the transfer process namely, the transfer of files and payment of salaries;
- 9.20 The receiving department must pay transfer costs (where necessary);
- 9.21 The releasing department must inform the receiving department about any outstanding matters such as promotion, allowances due,

performance appraisals and disputes;

9.22 Any final decision on transfer shall be in writing;

9.23 Communication between parties concerned shall be paramount;

9.24 Where transfer is employee initiated:

- (a) Transfer is done at employee's cost;
- (b) Employee Assistance Programme (EAP) report must be sought if transfer is due to ill-health or death of spouse; and
- (c) The employer reserves the right to approve or disapprove the transfer.

9.25 Where transfer is employer initiated:-

- (a) Transfer is done at employer's cost; and
- (b) There must be consultation of the employee before a transfer can be effected.

9.26 Where transfer is Inter-Provincial:

The same procedure as stated in par. 9.23 and 9.24 must be followed when transfer is made between the Province and National Department depending whether transfer is employer or employee initiated.

9.27 If the Premier makes a determination regarding the transfer of functions between departments:

9.27.1 The releasing department shall transfer all related resources, including personnel, to the receiving department;

9.27.2 The receiving department shall coordinate the transfer;

- 9.27.3 The receiving department shall accept accountability for the functions on the date of transfer;
- 9.27.4 The accounting officer of the releasing department shall retain accountability for matters originating prior to the date of transfer;
- 9.27.5 The transfer of personnel shall take place with due regard to the requirements of the Labour Relations Act; and
- 9.27.6 The transfer of funds shall take place in accordance with the requirements of the Treasury regulations of 2000.

10. ROLES AND RESPONSIBILITIES

- 10.1 The Executive Authority or the person delegated with responsibility shall consider applications for all types of transfers;
- 10.2 The line function Manager/Supervisor shall determine the appropriateness of the request taking into account the service delivery requirements of the Department;
- 10.3 Human Resource component shall receive and acknowledge all applications for transfers;
- 10.4 The supervisor/manager must inform the employee of the progress in writing; and
- 10.5 Human Resource Chief Directorate (Head Office) shall make appropriate recommendations through the Head of Department for consideration before the transfer is effected.

11. MONITORING, EVALUATION AND REVIEW

- 11.1 The Human Resource Management is responsible for communicating the provisions of this policy to all employees; and

11.2 The policy will be monitored, evaluated and reviewed on a regular basis to ensure that it achieves the intended purpose.

12. EFFECTIVE DATE

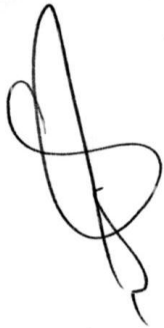
The effective date of this policy will be the date of approval.

13. TITLE OF THE POLICY

This policy shall be called Policy on Transfer.

14. POLICY APPROVAL

This policy was approved on the 20th day of October in the year 2009 and will be effective on the date of approval.



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MR BL NKOSI
HEAD: DEPARTMENT OF SOCIAL DEVELOPMENT