



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

PROVINCIAL TREASURY

LIMPOPO PROVINCIAL TREASURY
DEPARTMENTAL
TRANSFER POLICY

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1. PREAMBLE

This policy provides guidelines to deal with applications for transfers within Limpopo Provincial Treasury (LPT), between Departments within the Limpopo Province (Province) as well as nationally with the intent to retain or recruit appropriate competencies.

2. APPLICABLE LEGAL FRAMEWORK

- The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
- Public Service Act, 1994 (Act No. 103 of 1994)
- Basic Conditions of Employment, 1997 (Act No. 75 of 1997)
- Public Service Regulations, 2001, Part VII
- PSCBC Resolution 3 of 1999
- Labour Relations Act , 1995 (Act No. 66 of 1995)
- Policy Manual Guidelines Northern province Provincial Administration Version 1, March 2000 – Procedures for Appointments, Promotions and Termination of Service
- LPT Employment Equity Policy
- White Paper on Human Resource Management in the Public Service, 1997, Chapter V, Point 5.6
- Provincial Growth and Development Strategy (PGDS)

3. SCOPE OF POLICY APPLICATION

3.1. This policy applies to:

- all employees of LPT appointed in terms of the Public Service Act, 1994 as amended; and
- all applications for transfer from other Departments in the Province and other Provincial and National government Departments.

This policy does not apply to temporary, casual or fixed-term contract employees.

4. TRANSFERS

Employees may be transferred under conditions stipulated in Section 14 of the Public Service Act, 1994 with the approval of the Delegated Authority as follows:

- “(1) subject to the provisions of this Act, every officer or employee may, when the public interest so requires, be transferred from the post or position occupied by him / her to any other post or position in the same or any other department, irrespective of whether such a post or position is in another division, or is of a lower or higher grade, or is within or outside the Republic.
- (2) **(a)** The transfer of an officer or employee from one post or position to another post or position may, subject to the provisions of paragraph (b), be made on the authority of the person having the power of transfer.
- (b)** In the case of a transfer from one department to another department the approval of the persons who in respect of each of those departments have the power to transfer, shall first be obtained.”

A vacant, funded post must exist and applicants for transfer will compete for the post with internal candidates for posts at Levels 1-12 and with internal and external (to LPT) candidates for posts at SMS level. The White Paper on Human Resource Management in the Public Service, 1997, Chapter V, Point 5.6 states that “Transfers may not be used as a mechanism to block the filling of a vacant post through competition.” Therefore, all vacant posts must have been advertised at least internally within LPT prior to approval of a transfer into a post.

Until such time that the relevant Directorate's composition reaches its Employment Equity targets, preference will be given to candidates whose transfer will promote representativeness.

All probationary transfers shall be effected in accordance with the provisions of Section 13 of the Public Service Act, 1994 as follows:

- (a) "If an officer who is serving on probation is transferred or promoted to another post, a lesser period of service on probation may be directed in the new post which, together with the period of probation served in the former post, shall total at least 12 calendar months.
- (b) The period of probation of an officer shall be extended by the number of days leave taken by him or her during the period of probation or any extension thereof."

4.1 INTER-DEPARTMENTAL TRANSFERS

The Labour Relations Act, 1995, the Public Service Act, 1994 as amended and the Public Service Regulations, 2001 provide for transfer of employees between Provincial and National Departments.

The Executing Authority of the LPT shall constitute a Departmental Transfer Committee which shall consider applications for transfer and submit its recommendations to the Executing Authority or to the Delegated Authority. Recommendations shall take into account the suitability and the competencies of the applicant in relation to the requirements of the post for which the applicant has applied.

The Departmental Transfer Committee shall be constituted per the Selection Committee criteria per the Public Service Regulations, 2001, Part VII, Section D.

The Delegated Authority of LPT is required to authorise all applications for transfers

The Delegated Authority of the releasing/receiving Department is responsible for authorising the transfer of the employee who has applied for or requested a transfer. Should either party decide not to approve the transfer, the parties must attempt to resolve the matter jointly providing reasons for the decline.

The receiving Department shall bear transfer costs, where necessary.

All newly transferred employees shall undergo a period of orientation and induction in LPT within the first three months of appointment to ensure that they are familiar with the operational requirements of LPT.

4.2 INTERNAL TRANSFERS

Internal transfers may occur on request of either the employer or employee. Such transfers shall take place in consultation with the employee and the releasing and receiving Directorates, subject to the approval of the Delegated Authority.

A transfer initiated by an employee shall be at the employee's own costs.

The transfer of employees due to poor performance within a Directorate will only be considered if the reason for poor performance is found to be incapacity in the employee's current post and a post exists elsewhere for which the employee is competent.

4.3 CRITERIA FOR TRANSFERS

Transferees who wish to join LPT or another Directorate within LPT will be subject to the following criteria:

- suitability for the post as per the inherent requirements of the job defined in the job specification or advertisement including qualifications, work experience and competencies required by the post.

5. POLICY CONTROL**5.1 Policy Audit**

Annual audits will be conducted by the Directorate: Human Resource Management to ensure appropriate application and compliance with the Policy.

5.2 Policy Review

This policy is subject to annual review or when deemed necessary by the Department, to ensure that it is aligned to prevailing legislation and market conditions.

5.3 Policy Amendments

No amendment(s) may be made to any section of this policy without such amendment(s) first being-

- consulted upon with recognised Employee Organisations; and
- duly approved and signed by the recognised parties to the Provincial Bargaining Council

6. EFFECTIVE DATE

This policy will be applicable from 22/06/2007 (date).

7. RATIFICATION

This policy was signed on the 22 (day of) 06 (month)
at POLOKWANE (place).

HEAD OF DEPARTMENT (HOD) :

MEMBER OF EXECUTIVE COUNCIL (MEC) :