



File Name	CWDM Draft Secondment and Transfers Policy
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DRAFT

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DRAFT SECONDMENT AND TRANSFER POLICY

1. PREAMBLE

The Cape Winelands District Municipality views the transfer and secondment of staff members as an important human resource tool to improve performance and to attain staff member satisfaction.

2. PURPOSE

2.1 To regulate the secondment or temporary assignment of staff members to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.

2.2 To regulate the transfer of staff members to and across the Municipality's offices, sections, operating areas, and subsidiaries in line with the operational requirements, ill-health, or to fill vacancies.

3. SCOPE OF APPLICATION

This policy applies to all staff members of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)
- Municipal Systems Act, 2000 (Act No. 32 of 2000)
- Municipal Structures Act, 1998 (Act No. 117 of 1998)
- Municipal Finance Management Act, 2003 (Act No. 56 of 2003)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Employment Equity, 1998 (Act No. 55 of 1998)
- Skills Development Act, (Act No. 97 of 1998)

- Local Government: Regulations on appointment and conditions of employment of senior managers, 2014
- Local Government: Municipal Staff Regulations, 2021
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2021
- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- In terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) any personal information of employees will only be processed for the specific purpose of complying with the prescriptions of this policy and/or applicable legislation.

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the Regulations or applicable legislation.

6. POLICY PROVISIONS

6.1 Transfer of staff

6.1.1 The Municipality may transfer any staff member in its service to any equivalent post in the Municipality or, subject to Section 197 of the Labour Relations Act, to an equivalent post in another municipality.

6.1.2 Transfers are treated as appointments and may be effected by the Municipal Manager or Directors, depending on which has the appointing authority in terms of the relevant delegations. Transfers may only be effected if the following criteria have been met:

- (a) The staff member's salary and benefits remain the same.
- (b) The organisational level remains the same.
- (c) The staff member's level of responsibility remains the same.

- (d) The staff member meets the minimum requirements of the post as confirmed in the job description.
- (e) The staff member requests or consents, in writing, to the transfer.
- (f) The transfer is not applied as a punitive measure. (In terms of the Disciplinary Code, a transfer can occur as a result of a transgression by the staff member but only after the disciplinary process has been applied).
- (g) Proper consultation with the staff member has taken place in which the reason(s) for transfer, advantages and possible disadvantages have been discussed and resolved where applicable.
- (h) The Human Resources Practitioner has been informed of the transfer.
- (i) Should a staff member be on a personal-to-holder salary scale, the Municipal Manager will have the discretion to approve a transfer to a post of which the remuneration (T-grade) is not equal to the remuneration (T-grade) of the current post of the staff members.
- (j) Should a vacant post already be advertised, a transfer request may not be considered.
- (k) Should a request for a transfer be declined, the relevant director shall provide the staff member with a reason(s) for his/her decision

6.1.3 A staff member shall only be transferred –

- (a) if the staff member requests or consents, in writing, to the transfer; or

- (b) in the absence of consent, if the transfer is fair taking into consideration-
 - (i) the operational requirements of the affected institutions, including whether the transfer of the staff member would address such requirements;
 - (ii) written representations from the staff member prior to the proposed transfer; and
 - (iii) the extent to which the interests and circumstances of the staff member may be fairly accommodated.

6.1.4 The salary and other conditions of service of a staff member shall not be adversely affected by a transfer without the consent in writing of that staff member.

6.1.5 A staff member shall not be demoted, promoted or transferred to a position at a level which is lower or higher than the staff member's current post level.

6.1.6 The Municipal Manager shall consider all expenses associated with the transfer envisaged and approve or decline the request on his / her sole discretion.

6.1.7 The Letter of Transfer shall state all conditions of the transfer, including expenses that the Municipality shall cover.

7.1 Secondment of Municipal staff to another municipality

7.2.1 The Municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.

7.2.2 The Municipality shall conclude a written agreement regarding the secondment with the staff member, and another municipality where the staff member is being seconded to, that specifies –

- (a) the municipality responsible for the costs of secondment;
- (b) the duration of the secondment, which shall not in each case exceed a period of twelve months;
- (c) the person to whom the seconded staff member shall report to;
- (d) the place at which the seconded staff member shall work; and
- (e) the new job description of the seconded staff member.

7.2.3 The staff member on secondment shall return to their substantive position after the secondment, on the same conditions of service, irrespective of the level at which they operated during the secondment.

7.2 Secondment of other government staff members to the Municipality

7.3.1 The Municipality may request national or provincial government, another municipality or any state organ as they case may be, to second a person with the relevant competencies to act in a vacant post for a specified period or until such time that a suitable candidate has been appointed.

7.3.2 The relevant legislation, terms and conditions of service of that person shall apply.

7.3.3 The Municipality shall conclude a written agreement regarding the secondment with the national or provincial government, another municipality or any state organ as the case may be, and the staff member to be seconded, that specifies –

- (a) the party responsible for the costs of secondment;
- (b) the duration of the secondment, which shall not in each case exceed a period of twelve months;
- (c) the person to whom the seconded staff member shall report to;
- (d) the place at which the seconded staff member shall work;
- (e) the new job description of the seconded staff member.

7.3.4 The Municipality shall inform the MEC responsible for local government of any such secondment and the terms and conditions associated with that secondment.

7.4 Roles and responsibilities

The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy. The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management Unit.

8. POLICY MONITORING AND EVALUATION

8.1 This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.

8.2 Non-compliance to the stipulations contained in this policy shall be regarded as breach of Code of Conduct, which shall be dealt with in terms of the Code of Conduct.

8.3 Chief Financial Officer shall carry out the monitoring and evaluation of the policy's implementation.

9. AMENDMENTS

The Council may from time to time amend this policy, due to practical reasons or legislative requirements.

10. EFFECTIVE DATE

The Secondment and Transfers Policy will become effective upon approval thereof by the Council of the Cape Winelands District Municipality.