

# **ELIAS MOTSOLEDI LOCAL MUNICIPALITY-MASEPALA WA SELEGAE**



## **TRANSFER AND SECONDMENT POLICY**

**MUNICIPAL COUNCIL RESOLUTION NUMBER**

**C21/22-89**

**APPROVED AT THE COUNCIL MEETING OF 30 JUNE 2022**

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## 1. DEFINITIONS

- 1.1. “*Constitution*” means the Constitution of the Republic of South Africa, 1996.
- 1.2. “*Municipality*” Elias Motsoaledi Local Municipality.
- 1.3. “*Labour Relations Act*” means the Labour Relations Act 66 of 1995.
- 1.4. “*Post*” means a position to which a person is appointed on the approved staff establishment for which financial provision exists
- 1.5. “*Staff Establishment*” means the approved jobs and number of posts created for the normal and regular requirements of a municipality, also referred to as the organizational structure or organogram.
- 1.6. “*Staff or Staff member*” for the purpose of these policy means an employee of a municipality.
- 1.7. “*Supervisor*” means a staff member’s line manager.
- 1.8. Words importing the masculine gender shall include the feminine, and *vice versa*.

## 2. PREAMBLE

- 2.1. Elias Motsoaledi Local Municipality views transfer and secondment of employees as an important human resource tool to improve performance and to meet operational requirements of Elias Motsoaledi Local Municipality;
- 2.2. To inform transfer and secondment of employees;
- 2.3. To give effect to the spirit, purport and objects of the Local Government: Municipal Staff Regulations of 20 September 2021; and
- 2.4. To repeal Placement Policy

## 3. PURPOSE AND OBJECTIVES OF THE POLICY

- 3.1. This policy is intended to create a framework for effective administration in Elias Motsoaledi Local Municipality with regard to transfer and secondment arrangements for staff members.
- 3.2. To regulate the transfer, and secondment of staff members across Elias Motsoaledi Local Municipality in line with the operational requirements of the municipality.
- 3.3. To ensure that staff members are transferred and seconded appropriately in line with operational requirements of Elias Motsoaledi Local Municipality.

- 3.4. To provide Elias Motsoaledi Local Municipality with clear, efficient and effective provisions for considering staff members from one position to another to meet changing organizational needs.

#### **4. LEGISLATIVE FRAMEWORK**

- 4.1. Constitution of the Republic of South Africa, of 1996;
- 4.2. Labour Relations Act 66 of 1995;
- 4.3. Local Government Municipal Systems Act 32 of 2000;
- 4.4. Employment Equity Act 55 of 1998; and
- 4.5. Local Government: Municipal Staff Regulations of 20 September 2021.

#### **5. SCOPE OF THE POLICY**

- 5.1. This policy shall apply to staff members of Elias Motsoaledi Local Municipality and unless otherwise specified in this policy, this policy does not apply to-
  - 5.1.1. All senior managers; and
  - 5.1.2. Persons participating in the national public works programme or a similar scheme.

#### **6. TRANSFER OF STAFF**

- 6.1. Elias Motsoaledi Local Municipality may transfer any staff member in the service of the municipality to any equivalent post in the municipality or to an equivalent post in another municipality.
- 6.2. A staff member may only be transferred -
  - 6.2.1. If the staff member requests or consents, in writing, to the transfer or
  - 6.2.2. In the absence of consent, if the transfer is fair taking into consideration –
    - 6.2.2.1. The operational requirements of Elias Motsoaledi Local Municipality or the affected institutions, including whether the transfer of the staff member would address such requirements.
    - 6.2.2.2. Written representations from the staff member prior to the proposed transfer, and

6.2.2.3. The extent to which the interest and circumstances of the staff member may be fairly accommodated.

6.2.3. The salary and other conditions of service of a staff member may not be adversely affected by a transfer without the written consent of that staff member.

6.2.4. A staff member contemplated in this policy may 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.

## **7. SECONDMENT OF STAFF MEMBERS TO ANOTHER MUNICIPALITY**

7.1. A municipality may second a staff member with the relevant competencies to act in a post that is vacant in another municipality.

7.2. The municipality contemplated in Clause 8.1 must conclude a written agreement regarding the secondment that specifies –

7.2.1. The municipality responsible for the cost of secondment.

7.2.2. The duration of the secondment which may not in each case exceed a period of twelve (12) months.

7.2.3. The person to whom the seconded staff member must report.

7.2.4. The place at which the seconded staff member must work.

7.2.5. The new job description of the seconded staff member.

## **8. SECONDMENT OF OTHER GOVERNMENT EMPLOYEES TO MUNICIPALITY**

8.1. A municipality may request national or provincial government, another municipality or any state organ as the case may be, to second a person with the relevant competencies to act in a vacant post for a specified period until such time that a suitable candidate has been appointed: Provided that the relevant legislation, terms and conditions of service of that person apply.

8.2. The parties contemplated in Clause 9.1 must conclude a written agreement regarding the secondment that specifies the issues set out in sub-regulation 26 (2) of the Local Government: Municipal staff Regulations of 20 September 2021.

8.3. The municipality must inform the MEC of any such secondment and the terms and conditions associated with that secondment.

## **9. SECONDMENT OF STAFF MEMBERS TO POSTS WITHIN THE MUNICIPALITY**

9.1. Secondment of staff members to posts within the municipality in this clause refers to an agreement between the staff member and employer where a staff member temporarily moves from his/her original post to a different post of the same task grade or to a different task grade within the municipality for a fixed period.

- 9.2. Supervisors may make a request through Human Resource Management to Municipal Manager for seconding a staff member to a vacant post of support staff to offices of political office bearers.
- 9.3. Secondment should not create any expectation of appointment in that post.
- 9.4. All secondments must be approved in writing by the Municipal Manager.
- 9.5. Municipal Manager shall second staff member in writing and the secondment letter shall state all conditions of secondment, including benefits and the period of secondment. The staff member shall be seconded with the benefits he /she enjoys at the time of secondment.
- 9.6. The staff member to be seconded must consent or accept the secondment in writing.
- 9.7. The post to which the staff member is seconded, must exist in the approved staff establishment of Elias Motsoaledi Local Municipality.
- 9.8. Staff member undertaking secondment at the same level will not receive an adjustment to his/her remuneration for secondment purposes.
- 9.9. At the end of secondment period the staff member shall return to his/her original position without expectation of extension or permanent employment.
- 9.10. The period of secondment shall be stated on the secondment letter.
- 9.11. The secondment may be ended before the agreed end date by Municipal Manager provided a thirty (30) days' notice was given.
- 9.12. The secondment period may be extended by the employer in writing with the consent of the seconded staff member.
- 9.13. All signed letters of secondment should be filed in Human Resource Office in the staff member's personal file.

## **10. POLICY REVIEW**

- 10.1. This policy shall be reviewed and revised as and when necessary.

## **11. COMMUNICATION**

- 11.1. This policy will be communicated to all Elias Motsoaledi Local Municipal staff members using all available communication strategic.

## **12. BUDGET AND RESOURCES**

- 12.1. The financial and resource implications related to the implementation of this policy should be qualified by budget and treasury office working collaboratively with Human Resource Management

## **13. NON COMPLIANCE**

- 13.1. Non-compliance to any of the stipulations in this policy will be regarded as misconduct, which will be dealt with in terms of the applicable Disciplinary Code and Procedure.

#### **14. EFFECTIVE DATE**

The policy shall come into operation with effect from the 1<sup>st</sup> of July 2022.

#### **15. SIGNATORIES**

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Municipal Manager

Mr MM Kgwale

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Date

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The Mayor

Cllr. MD Tladi

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Date