

TRANSFER AND DEMOTION POLICY



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TRANSFER AND DEMOTION POLICY

1. PURPOSE OF THE POLICY

The purpose of the policy is to regulate transfer and demotion of employees within the municipality.

2. OBJECTIVES OF THE POLICY

2.1 Transfer

In terms of transfer the policy seeks to achieve the following:

- 2.1.1 To ensure that employees are utilized for the purpose in meeting the organization's human resources needs.
- 2.1.2 To enhance service delivery, career advancement and succession planning of employees.
- 2.1.3 To address areas of poor work performance and all discipline on the part of employee.
- 2.1.4 To provide measurements for transfer of employees.
- 2.1.5 To provide regulations for transfer of employees on grounds of incapacity and/or operational requirements.

2.2 Demotion

In terms of demotion the policy seek to achieve the following:

- 2.2.1 To apply demotion as a corrective measure for ill-discipline/ misconduct short of dismissal; and
- 2.2.2 To provide an alternative action to employees on grounds of poor performance or incapacity.

3. SCOPE OF THE POLICY

This policy shall be applicable to all permanent employees of Mbhashe municipality with the exception of the following categories employees:

- (a) Municipal Manager
 - (b) All employees appointed in terms of section 56/57 of the Municipality System Act (act No.32 of 2000); and/or
 - (c) All employees appointed on fixed term employment contract (short or medium term)
- 3.4 Interns

4 POLICY DEFINITION

“Transfer refers” to movement of an employee from one position to another.

“Demotion refers ” to movement of an employee from high position to lower.

“Persona to holder” means that the benefits applies to affected the individual not the post

5 LEGISLATIVE FRAMEWORK

Labour Relations Act

Basic Conditions of Employment Act

Constitution of the Republic of South Africa

6 GENERAL POLICY PROVISION

The council may demote or transfer an employee on the following grounds

- (a) Misconduct
- (b) Reorganization/operational requirement
- (c) Performance incapacity/poor performance
- (d) Employees request

6.1 TRANSFER

6.1.1 The transfer of an employee may be undertaken by the Municipal Manager at its discretion to meet its human resources requirements, or for disciplinary reasons.

6.1.2 An employee shall be transferred only in the event of a vacant post existing unless the Municipal Manager determines otherwise.

6.1.3 An employee may submit a transfer request to his/her HoD and then to Director Corporate Services if is interdepartmental for consideration”. Then to the Municipal Manager for approval. If it is a transfer to another department the HoD of that Department must accept the request and must go to HoD Corporate Services then to Municipal Manager for approval.

6.1.4 Where an employee is transferred for disciplinary reasons such transfer shall be preceded by the invoking of the Disciplinary procedures.

6.1.5 The date on which a transfer for disciplinary reasons takes effect shall be regarded as such employee's future increment date unless the Municipal Manager determines otherwise.

6.1.6 An employee transferred for non-disciplinary reasons shall retain the increment date applicable to him/her prior to such transfer.

6.1.7 Transfer of employee may be either of permanent or temporary nature

6.1.8 Any transfer for non-disciplinary purpose and to another position, can only be implemented once a written consent from the affected employee(s) has been obtained.

6.1.9 In the event an employee's post being declared redundant or being abolished as a result of organizational reorganization and such employee being affected by such, he/she shall retain his/her original status, especially if moved to lower post. In this case the employee will be having a status of "persona to holder"

6.1.10 In the event of a possible retrenchment, applicable legislation or Collective Agreement will prevail.

6.2 DEMOTION

6.2.1 An employee may only be demoted after an enquiry into circumstances leading to the need to demote him/her has been held. Such an employee may be assisted by his/her trade union representatives or colleague.

6.3 MISCONDUCT

6.3.1 In the event of employee being demoted on the grounds of misconduct, his/her salary/wage shall be adjusted from the first day of the working month/ working week as the case may be, in which the council decides to demote him/her or in the event of the council so decided on the first working day of the succeeding work month/working week to such notch of the salary scale of the post to which he/she is demoted as the council may decide.

6.3.2 The date on which takes effect shall be regarded as employee's future incremental date unless the council determines an earlier date.


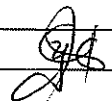

6.4 PHYSICAL OR MENTAL DISABILITY

- 6.4.1 In the event of an employee being demoted by the council as a result of the physical or mental disability as determined by a medical practitioner, the council may adjust such employee's salary either to comparative notch, or in the event of there being no comparative notch, to the lowest notch of the post which he/she is demoted or allow such employee to retain the salary scale applicable to him/her before the date of demotion as "personal to holder" or "contractual" as the case may be.
- 6.4.2 A demotion in terms of the above paragraph shall take effect from the first day of working month/working week of the relevant employee that follows a working month/working week in which it is decided to demote an employee.
- 6.4.3 Where a demotion has effect of salary of an employee being adjusted to a notch lower than a maximum of salary scale of the relevant post, such employee shall retain in the incremental date applicable to him/her before such demotion.

7 POLICY GOVERNANCE

TRANSFER AND DEMOTION POLICY

Policy Governance

Policy Title	TRANSFER AND DEMOTION POLICY	
Policy Version		
<u>Role & Process</u>	<u>Responsible Individual Name and/or Date</u>	<u>Responsibility Accepted Signature</u>
Senior Manager Corporate Services	Ms N. Mahlathi - Nkuhlu	
Policy Custodian		
Policy Author		
LLF Consultation Date		
LLF Consultation Reference		
Council Approval Date	26/05/2021	
Council Approval Reference		
(UNIT) eg. Manager Human Resources	N. Hanise	
Policy Approved		
Policy Inception Date		
Review Start Date		
Review Completion Date		
Legislative References		
Policy Review "Triggers"		
Comments		