

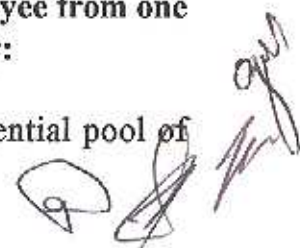
**AGREEMENT REACHED BY THE SAFETY AND SECURITY SECTORAL
BARGAINING CHAMBER (SSSBC)**

AGREEMENT NO:	5/1999
DATE :	8 Okt. 1999.

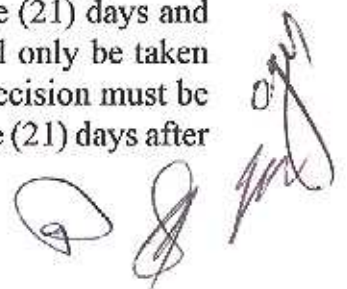
TRANSFER POLICY AND PROCEDURES

1. The purpose of this agreement is to create a framework in which to address transfers and service arrangements (hereafter only referred to as transfer) in the South African Police Service in a reasonable and just manner.
2. In principle, every employee can be transferred. In considering a transfer, irrespective of the origin of the request, there are certain considerations that must be taken into account before a final decision is reached. These considerations include the following:
 - 2.1. There must be a valid and sufficient reason to transfer or not to grant a transfer to an employee
 - 2.2. The interests of the Service
 - 2.3. The interests of the individual employee whose transfer is being considered
 - 2.4. The employee's career development
 - 2.5. The availability of a suitable vacant post into which the employee may be transferred
 - 2.6. The availability of funds (in respect of transfers at State expense in terms of Regulation 24)
3. **In the following circumstances the persons who are mentioned will be responsible for deciding whether or not a transfer must be effected:**
 - 3.1. The National/Provincial/Divisional Commissioner or their delegate has the power to consider the transfer of any employee and to make a decision in this regard.
 - 3.2. If the transfer is considered of any employee from one component to another within the same province or division in which the employee is stationed, the provincial or divisional commissioner concerned or his or her delegate is responsible for deciding on the transfer.

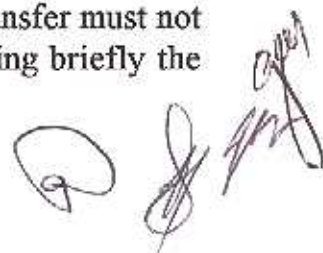


- 3.3. If the transfer of any employee from one province or division to another is considered, both provincial or divisional commissioners or their delegates must liaise with one another in order to reach consensus on the approval or non-approval of the transfer. Should consensus be achieved to transfer the employee, the transfer must be approved by the provincial or divisional commissioner (or his or her delegate) of the province or division to which the employee is due to be transferred.
4. Transfers must be conducted through the official channels of command. Any final decision on or notice of transfer must be in writing.
5. A transfer may not be used as a punitive measure. This does not preclude the temporary transfer of an employee who is suspected of being guilty of misconduct.
6. If a transfer implies a translation from one occupational class to another occupational class, the translation must first be effected, provided that the employee meets the prescribed requirements of the occupational class to which the translation must take place.
7. Since transfers form an integral part of Human Resources Management, the provisions of this policy on transfers should not contradict the provisions of any Human Resources Management policy in the South African Police Service.
8. The employee who is being considered for a transfer may be represented and assisted by a representative of his or her union at every stage of the process.
9. If a post has been advertised and the applicant has been successful, he or she must be allowed to take up the post, without a replacement.
10. The following procedure will apply in respect of transfers:
- 10.1. **If the needs of the Service require the transfer of an employee from one component to another, the following procedure shall apply:**
- 10.1.1. If a vacancy arises and there is a need to have it filled, a potential pool of candidates who can fill the vacancy must be identified .
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- 10.1.2. The provincial or divisional commissioner concerned or his or her delegate must ascertain the reasons why the employee should be transferred.
- 10.1.3. The employee whose transfer is being considered must be informed that the transfer is being considered, and given the reasons for the proposed transfer. He or she must be allowed a reasonable opportunity to make representations concerning the transfer, if he or she wishes to do so. Under normal circumstances a period of twenty-one (21) days will suffice for this purpose. The final decision must be communicated to the employee concerned within twenty-one (21) days after his or her representation. If the employee accepts the transfer and fails to make any representations, the necessary notice may be issued and the transfer carried out.
- 10.1.4. If the employee makes representations, the commissioner responsible for considering the transfer must consider the representations and decide the matter. If the transfer has to be considered by more than one provincial or divisional commissioner, each commissioner must be given a copy of the representations to allow him or her to take an informed decision.
- 10.1.5. After the representations of the employee have been considered, the employee concerned must be informed in writing that the representations were considered, and the outcome must be stated. If the representations were not favourably considered, the reasons why the representations were rejected must be set out in brief.
- 10.1.6. **In urgent cases, if the interests of the Service require that an employee immediately assumes duty at another component -**
- 10.1.6.1. the employee may, if he or she agrees to the transfer and provided par 10.1.2 (above) has been complied with, be instructed to assume duty at the new component immediately and the necessary notices in writing may be prepared and submitted thereafter; or
- 10.1.6.2. the employee must, if he or she does not consent to the transfer, be allowed an opportunity to advance reasons why he or she should not be ordered to assume duty at the new component immediately and be informed that the interests of the Service require that he or she assumes duty at the new component immediately but that he or she will nevertheless, after the assumption of duty at the new component, still have the opportunity to make representations concerning the placement within twenty-one (21) days and that the final decision concerning his or her placement will only be taken after the representations have been considered. The final decision must be communicated to the employee concerned within twenty-one (21) days after his or her representation has been received.



- 10.2 **If the employee's transfer is considered at the request of the employee, the following procedure will apply:**
- 10.2.1. If an employee applies for an exchange transfer and confirmation in writing has been obtained from the other employee involved in the exchange transfer, the provincial and/or divisional commissioner or their delegates must consider the transfer by taking into account the interests of the Service as well as the interests of the employees concerned.
- 10.2.2. If an employee applies for a transfer other than an exchange transfer, the employee must indicate in his or her application what the reasons for the request are and attach any corroborating documentation to the application. The request must be handed to the employee's supervisor, who must submit the application as soon as possible through the official channels to the provincial or divisional commissioner concerned or his or her delegate, together with a recommendation from the employee's supervisor.
- 10.2.3. Upon receiving the application, the provincial or divisional commissioner concerned or his or her delegate must consider the application after having ascertained -
- 10.2.3.1. the correctness of the information provided by the employee in the application;
- 10.2.3.2. whether the transfer will have any financial implications for the Service and, if so, what the cost will be and whether the funds are available;
- 10.2.3.3. whether there is a suitable vacancy available at the component to which the employee applies to be transferred;
- 10.2.3.4. whether the transfer will be in the interest of the Service and/or the employee;
- 10.2.3.5. the views of the other provincial or divisional commissioner who will be affected by the transfer (in the case referred to in paragraph 3.3 above).
- 10.2.4. If the commissioner (s) concerned is(are) of the view that the transfer will be in the interest of the Service and/or the employee, the transfer must be approved and the required notice must be submitted in writing.
- 10.2.5. If the commissioner(s) concerned is(are) of the view that the transfer will not be in the interest of the Service and/or the employee, the transfer must not be approved and a notice must be submitted in writing stating briefly the reasons for this decision.



- 11. In accordance with the requirements for maintaining the fixed establishment of the Service in the correct manner, every transfer must be reported on form SAPS 172 in accordance with the existing instructions immediately after it has been effected.
- 12. Only if provincial and / or divisional commissioners cannot achieve consensus among themselves and any of these commissioners is of the opinion that there are valid reasons why the transfer should be effected, the National Commissioner or his delegated Deputy National Commissioner may be approached for a final decision. The National Commissioner may in appropriate circumstances override any decision made by any delegate.
- 13.1. The representatives of the relevant parties undertake to take every reasonable step to ensure the implementation of this agreement.
- 13.2. This agreement was signed at Pretoria on behalf of the relevant, recognized employee organizations, all signatories being duly authorized to do so,

on the8th.....day ofOct.....1999.

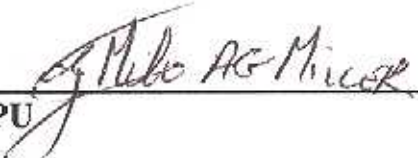
The agreement shall come into effect on the following date:
1999-10-08

This agreement shall be valid until such time as it is amended by an agreement in writing reached by the SSSBC.

Signature of Representative of Employer


SOUTH AFRICAN POLICE SERVICE AS AN EMPLOYER

Signature of Representative of Recognized Employee Organisations


SAPU


PSA


POPCRU