



FEDERAL ROAD SAFETY COMMISSION



EMPLOYMENT



SECONDMENT OF
EMPLOYEES:
WHAT YOU
SHOULD KNOW

STANDARD OPERATING PROCEDURE

ON

SECONDMENT

&

TRANSFER OF SERVICE

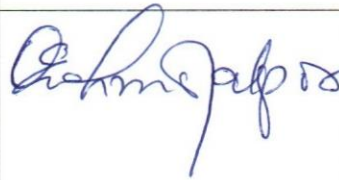
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	OFFICE	SIGNATURE
Prepared by	Administration & Human Resources	
Reviewed by	Management Representative (MR)	
Approved by	Corps Marshal 	
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STANDARD OPERATING PROCEDURE ON SECONDMENT AND TRANSFER OF SERVICE

PURPOSE OF THE SOP

The purpose of this SOP is to ensure that all parties involved in the processes of Secondment and Transfer of Service are clear about their obligations, expectations, accountabilities and objectives. To support this understanding, this document has been developed for use in these circumstances.

SCOPE OF THE SOP

2. This SOP covers only the external Secondment and Transfer of Service. The document does not address the internal secondment. Internal secondment may occur when a member of staff has the necessary skills, knowledge and experience to undertake a particular role in the absence of a key staff. This will be for a limited duration, for instance, a staff seconded to another office or Command to cover for a staff on maternity leave or long term sick leave after which the staff member will be expected to return to their substantive post.

WHAT IS SECONDMENT?

3. According to Section 5 Rule 020501 of the 2008 Edition of the Public Service Rules, Secondment means the temporary release of an Officer to the service of another Government-approved body or any recognized international organization for a specified period. Secondment is used to fill identified skills gap.

Secondment is an effective way of providing individuals with the opportunity to apply their skills and experience in a new environment and challenge themselves professionally, thereby aiding their **development**, bridging identified skills gaps and broadening their experience.

WHAT IS TRANSFER OF SERVICE?

4. According to Section 5 Rule 020501 of the 2008 Edition of the Public Service Rules, Transfer of Service is the permanent release of an officer from one scheduled service to another or from one class to another within the same service.

PROCEDURE FOR TRANSFER OF SERVICE AND SECONDMENT

5. The following procedures shall apply in processing Secondment and Transfer of Service, out of the Corps.

- a. Employee initiated Transfer of Service or secondment
- b. Applications for Secondment shall be determined by the Ministry/Extra-Ministerial office of the applicant's choice.
- c. Only officers serving in pensionable post may transfer to another scheduled service.
- d. An employee who requests transfer to another government sector agency must do so in writing to the agency through his or her present employer.
- e. The supervisor must endorse the request before forwarding to CM through the approved channel of communication.
- f. CM n receipt of request directs Corps Secretary in case of Officer or DCM (AHR) in case of Marshal to process.
- g. DCM (AHR) processes application for secondment or transfer of service and makes recommendations to CM.
- h. CM directs DCM (AHR) to release staff on secondment stating the conditions.
- i. For transfer of service, CM directs DCM (AHR) to request the organizations' willingness to absorb staff on TOS.
- j. Letter of release on secondment or TOS in issued.
- k. If it is in the public interest to second an Officer to the service of another Government, approved body or recognized International Organization, the period of secondment shall not be limited and the officer shall continue to hold his substantive post and be entitled to increment and promotion and will be treated as having been posted on special duty.
- l. During the period of such Secondment the Organization to which a Staff on secondment shall be responsible for the officer's emoluments.
- m. An applicant shall be considered for transfer:
 - i. if he/she has been confirmed in his previous service and his qualifications, experience and career progression are in accordance with the Scheme of service of the grade.
 - ii. Secondment is for 2 years in the 1st instance and renewable for 2 years and not more. Otherwise the staff should seek for TOS to the organisations.
 - iii. Provided the contemplated transfer would in no way jeopardize the promotion prospects of serving Officers.
 - iv. Where the Ministry is satisfied that there are vacancies not only in the relevant grade but also in the applicant's discipline or area of specialty;

- v. If he has served in his current grade for the stipulated minimum number of years prescribed for promotion to an advertised post.
- vi. Posting of officers within the Ministry to posts outside their professional cadres is prohibited.
- vii. Applications for Transfer of Service by non-commissioned officers shall be determined by CM. To posts grade G.L. 06 and below shall be determined by the Ministry/Extra-Ministerial office of the applicant's choice.
- viii. Application for Transfer to post graded GL.07 -10 in any Ministry/Extra-Ministerial Office shall be determined by the Federal Civil Service Commission. Officers seeking transfer from scheduled establishments GL. 07-10 are required to sit for the Annual Competitive Civil Service Entry Examination.
- ix. Confidential reports covering the last three years (or whole service if less than three years) of the officer's service shall be furnished.
- x. On transfer from another Government agency to the Corps, a staff shall be eligible for the emolument attached to his/her new office with effect from the day he/she assumes duty.
- xi. Anyone transferring from one establishment to FRSC who are not yet confirmed are required to pass confirmation examination in addition to undergoing Induction/Basic training.
- xii. Annual leave will be as per the seconded's contractual terms.
- xiii. A staff member on a secondment should supply their line manager with contact details for the period of the secondment and notify them if these details change.

WHAT IS THE DIFFERENCE BETWEEN A SECONDMENT AND A TRANSFER OF SERVICE?

6. A secondment is a temporary arrangement which does not affect the employment relationship between the Employee and the Employer. A transfer of service usually means a permanent transfer, and where the transfer is made from one Government establishment to another. The law deems it to be a termination of employment with the first establishment and re-employment with the second establishment.

WHO CAN FIRE THE EMPLOYEE DURING THE SECONDMENT? IS IT THE HOST OR THE EMPLOYER?

7. As the Staff remains an employee of the organization from where he/she was seconded, it is the Employer (not the Host) who has the right to discipline Staff. While the Host may exercise control and direction over the employee during the secondment, if the employee fails to carry out the Host's directives, the Host

cannot dismiss him immediately but can only complain to the actual Employer. It is then up to the Employer to determine whether the Employee should be disciplined or not.

WHAT HAPPENS WHEN THE SECONDMENT ENDS OR IS TERMINATED?

8. As the secondment does not result in a change in the employee's employment relationship with the FRSC, the end or termination of the secondment does not automatically result in the termination of the employee's employment. When the secondment is terminated or comes to an end, the Employee will return to the FRSC and continue his employment as normal before the secondment.

In certain situations, a termination of the secondment may also be followed by a termination of employment with the Employer. For example, where the Employee commits misconduct/gross misconduct during the secondment period, the secondment will be terminated and the employee will be subjected to investigation and if found guilty of misconduct/gross misconduct, termination of secondment and termination of employment may happen simultaneously. However, the termination/dismissal must still come from the Employer.

RESPONSIBILITIES OF ADMIN AND HUMAN RESOURCES

9. The AHR has the following roles to play:

- a. Ensure a secondment agreement is in place for secondment arrangements with external organisations and a signed copy of this is logged with AHR and individual's file.
- b. Maintain reasonable contact with the staff member and the organisation whilst on an external secondment.
- c. Ensure there is a clear plan for the return of the secondee to their substantive role.
- d. Keep the staff member on secondment informed of any significant workplace developments which may be relevant to their employment.
- e. Once the secondment arrangement has been agreed, AHR will issue a secondment letter to the secondee with a copy sent to the host. This will set out details of the secondment, the start and end dates, the agreement for returning to the original job.

10. Staff will normally return to the Corps on the same terms and conditions prior to the secondment. The return date will be the next working day following the end date of the secondment period.

RETURNING AFTER SECONDMENT END DATE

OTHER INFORMATION

11. Other information to be noted are:

- a. Transfer of Service and secondment are made based on the needs of the Public Service.
- b. If the employee is seconded to work for another establishment (Host), it does that mean that the Host is now the employer. The staff remains an employee of FRSC.
- c. Officers on Secondment shall not be granted notional promotion. Such Officer shall sit for promotion interviews/examinations at designated centres.
- d. Secondment is of a temporary nature and does not alter the employment relationship between the staff on Secondment and the Corps. This is so even if the Host exercises control and direction in the manner in which the employee carries out his or her work, and pays the employee's remuneration during the secondment period, it is still up to the employer to make such arrangement (e.g. the employer reimburses the host for the remuneration paid) with the host.