



Transfer Regulations

(The amendments to the provisions of the transfer in the Implementing Regulations of the Civil Service Law were approved and put in the form of a regulation under the title (Transfer Regulations) in accordance with the Civil Service Council Resolution No. (1/929)

dated 19/10/1424 AH reported in the letter of the Office of the Presidency of the Council of Ministers No. (7/34123) and 05/07/1425 AH.

These amendments replaced the articles contained in the Implementing Regulations of the Civil Service Law from Article (4/10) to (10/10) and shall come into force as of 05/08/1425 AH.

Introduction

The Ministry of Civil Service is pleased to present to specialists and researchers (Transfer Regulations), which were prepared under Civil Service Council Resolution No. (1/929) dated 19/10/1424 AH, which amended the previous provisions related to transfer contained in the Implementing Regulations of the Civil Service Law in light of developments that took place in the field of civil service with the addition of some new provisions that are deemed appropriate to be introduced thereto. Moreover, the Ministry of Civil Service has been given the authority to formulate these provisions and put them in the form of independent regulations under the title "Transfer Regulation". It includes the subject of transfer in general, whether (functional) transfer, i.e. from one position to another, or (spatial) transfer, i.e. from one place to another in the agency in which the employee works or elsewhere. The Ministry provides this publication, as it always does, to publish regulations related to the civil service to allow officials in government agencies, researchers, and related persons to review these regulations and any amendments thereto in the form of (mini-publications) for easy reference when needed. Finally, we hope that we have succeeded in bringing it out in a form that satisfies all.

God is the Arbiter of Success

The decision of His Excellency the Minister of Civil Service to adopt the draft prepared for this Regulations

(Ministerial Decree)

Based on the studies currently undertaken by the Ministry of Civil Service on the review of the Civil Service Regulations to keep pace with developments in the Civil Service and take advantage of the practical experiences of these Regulations over the past years and in response to the Royal directives, these studies have resulted in the issuance of several regulations, some of which have been renewed and singled out independently of the previous regulations of the civil service system, such as promotion, secondment, assignment, appointment to public office, educational, health, scholarships, and end of service regulations.

More recently, what was done on the subject of transfer in the Civil Service Regulations, where several studies have been conducted and some recommendations made to the office of the Civil Service Council for consideration. The Distinguished Council considered them and issued its resolution No. (1/292) dated 19/10/1424 AH., amending item (First) regarding the articles governing transfer contained in the Implementing Regulations of the Civil Service Law, as follows:

- 1- Amending the provision of Article (10/4) to be in accordance with the draft contained in the decision
- 2- Amending Article (10/5) with the cancellation of the provision that allows the transfer of an employee to whom a medical report is issued as an exception to the established rules, to put this provision in a new article that will be stated at the end of the decision, to be in accordance with the draft contained in the decision.
- 3- Amending Article (10/6) by adding the provision that does not allow transfer during the probation period if it is for another rank, addressing the situation of the employee who is transferred to a position lower than his original position in terms of salary, adding a paragraph that does not allow the transfer of the promoted employee before the lapse of one year from his actual exercise of the work of the position for which he is promoted, except for some necessary cases approved by the Ministry of Civil Service, with the merger of Articles (10/6) and (10/7) in one article and raising the period that the employee appointed to an excepted position must spend so that he can be transferred after four years instead of three years;
in addition, the employee may not be transferred to another government agency if he received an (unsatisfactory) report regarding his performance evaluation that is prepared for the previous year so that the provision of the Article will be in accordance with the draft contained in the decision.
- 4- Amending Article (10/8) to stipulate that the employee shall not start working in the entity to which he is to be transferred unless he is discharged from all his obligations in the entity from which he is

to be transferred so that the provision of the Article will be in accordance with the draft contained in the decision.

- 5- Articles (10/9) and (10/10) shall be merged into one article with the distinction between the employee appointed to an institution that applies the Civil Service Law and the institution that does not apply it, as well as the distinction between employees appointed to an institution that applies the Civil Service Law according to their appointment, whether before or after its application of the Law so that the provision of the Article will be in accordance with the draft contained in the decision.

The decision in item (Second) adds additional provisions to the rules governing transfer in accordance with the draft contained in the decision.

Whereas it was stated in the decision of the esteemed Council referred to above in item (third) that (the Ministry of Civil Service shall develop the articles regulating the transfer, the amended articles, and the added provisions, in the form of a regulation under the title (Transfer Regulations) to facilitate its reference by the executive authorities and review it in the future when needed. Accordingly, the Ministry of the Civil Service has developed the proposed draft of these Regulations. For this drafting (the Regulation), it has been decided the following:

First: The attached draft of the (Transfer Regulations) is approved and replaces all articles contained in the Implementing Regulations of the Civil Service Law from Article (10/4) to Article (10/10) in addition to the provisions added to the rules regulating transfer contained in Paragraph (Second) of the decision.

Second: Whereas clause Fourth of the decision of the Civil Service Council referred to above stated that these amendments will take effect after a month from the date of notification of the decision by the Office of the Presidency of the Council of Ministers, whereas the decision was notified by the letter of the Office of the Presidency of the Council of Ministers No. 7/34123 dated 05/07/1425 AH, this regulation will be effective as of 05/08/1425 AH.

Third: The competent departments in the Ministry shall complete the necessary procedures for printing the Regulations and distributing them to government agencies in accordance with the procedures followed.

Minister of Civil Service

Muhammad Bin Ali Alfayez

(The legal article related to transfer contained in the Civil Service Law)

Article (10) of the Civil Service Law issued by Royal Decree No. (M/49) dated 10/07/1397 AH., states the following:

- a. The promotion and transfer of employees to vacant positions shall be made in accordance with the provisions established by the classification rules, including qualifications and conditions of incumbency.
- b. Promotion shall not be effective before the decision.

Regulations

Article (1):

The employee may be transferred from one agency to another after the approval of the agency for which he works within the same qualitative group after the agency desiring to transfer the employee ensures that he meets the legal requirements. In case of transfer with promotion to another qualitative group, the opinion of the Ministry of the Civil Service shall be taken, and in both cases, the government agency desiring to transfer the employee should not have qualified employees to be promoted to the position to which he is to be transferred.

Article (2):

The employee may be transferred, by a decision of the competent authority that has the right to appoint him, from his position to another within the same qualitative group. If the transfer is to another qualitative or general group, the approval of the Ministry of Civil Service is required after ensuring that the academic and practical qualifications in addition to other transfer rules are available for the position to which the employee will be transferred¹

Article (3):

The employee shall not be transferred in the following cases:-

1- At least one year prior to the date of the employee's continuous and actual performance of the functions of the post held at its headquarters. The period referred to shall not be counted as exceptional leave or absence without pay.

This excludes transfers to another government agency or transfers from inside the Kingdom to abroad or vice versa, or from one headquarters to another outside the Kingdom or in case of necessity estimated by the administrative authority, and in all cases, the approval of the Ministry of Civil Service shall be obtained before issuing the transfer decision.

2- Before the lapse of four years from the date of the employee's occupation of an excluded position, the Ministry of Civil Service shall verify that the necessary conditions are met to fill the position to which the employee will be transferred, and the Minister of Civil Service may make an exception to the period requirement.

¹The rules adopted by the Ministry of Civil Service in the job classification guide1

3- During the probation period, unless the transfer is to a position located in the headquarters of the position for which he was employed and in the same rank.

4- From his position to another one in a lower rank, unless under the written consent of the employee. The employee will be paid the salary that he was receiving before he obtains the waived rank unless at least one year has passed since he obtained such rank,

in this case, he will be paid the salary of the rank exceeding his salary in the waived rank. If the employee's salary is more than the salary of the recent grade from the waived rank, he shall be granted such a grade.

5- If the employee received an (unsatisfactory) report regarding his performance evaluation that is prepared for the previous year when transferring from one government agency to another.

Article (4):

If the employee is to be transferred from one agency to another, the approval of the agency for which he works shall be obtained before issuing the decision to transfer. In addition, the employee shall not start working in the entity to which he is to be transferred unless he is discharged from all his obligations in the entity from which he is to be transferred. The date of discharge will be the date at which the employee starts work in the entity to which he is to be transferred

Article (5):

1- The employee of public institutions applying the Civil Service Law shall be transferred according to the following:

a. Employees appointed in the institution before the implementation of the Civil Service Law and then classified according to the salary scale of the employees: The Ministry of Civil Service determines the rank and grade of the employee to be transferred according to the job rank to which he is to be transferred at the time of his appointment, then he shall be included in the employee's salary scale during the period he spent in the institution according to the promotion periods, not exceeding the rank and salary of the job he occupies at the time of transfer. If the employee spent in the last rank, after evaluating his status, the period required for promotion, he may be transferred with a promotion in accordance with the procedures contained in the article regulating the transfer of an employee with a promotion ².

b. Employees appointed in the institution after the implementation of the Civil Service Law shall be transferred in accordance with the rules applicable to the remaining employees of government agencies.

Article (1) herein regulates the transfer of an employee with a promotion.²

2- Employees of public institutions that do not apply the Civil Service Law shall be transferred to positions covered by Civil Service Law on the employees' salary scale after the Ministry of Civil Service determines the rank and grade of the employee to be transferred, taking into account the following:

a. The employee shall not be given a salary exceeding the salary to which he is entitled, assuming that he was appointed in accordance with the provisions of the Civil Service Law according to the category of the position to be transferred to at the time of his appointment, and then he shall be included in the salary scale of the employees during the period he spent in the institution according to the promotion periods, provided that it shall not exceed the rank equivalent to the position he occupies at the time of transfer.

b. The employee shall not be given a salary that exceeds the salary of the position he occupies at the time of transfer³.

3- Employees of government agencies may be transferred to public institutions in accordance with their regulations after obtaining the approval of the Competent Minister.

Article (6):

1- a) If the General Medical Authority issued a medical report for the employee proving that he is unable to perform his occupation, the employee shall be transferred to another position that suits his capabilities and in the same salary and rank, except for transfer requirements after the approval of the Ministry of Civil Service.

b) If the employee for whom a medical report has been issued by the General Medical Authority occupies a position that is not covered by the salary scale of employees, his status shall be re-evaluated in accordance with the rules contained in the job classification guide to determine his rank and salary.

c) If there is no vacant and suitable position to which the employee can be transferred according to the provisions of paragraphs (a - b) of this article, then the employee shall be assigned a position suitable to his capabilities for a period not exceeding a year during which the agency shall search for him for a vacancy to transfer him to it, provided that the salary due to the employee covered by the salary scale of the employees after evaluating his status during the period of assignment shall be paid from the allocation of the position he occupies. In case of non-availability of a position to which he may be transferred, he shall be dismissed at the end of the year due to his disability in accordance with Article (9) of the End of Service Regulations.

2. The employee shall be transferred from one salary scale to another after the Ministry of Civil Service determines the category, rank, and grade of the employee to be transferred and the transfer procedures according to the rules contained in the job classification guide.

The equivalent of the positions of public institutions applying the Civil Service Law is determined by the Ministry of Civil Service.³

