

CHAPTER 11

TRANSFER OF EMPLOYEES

BARGAINING UNIT MEMBERS REFER TO CONTRACT

11.1 TRANSFER

- 11.1.1 DEFINITION OF VACANCY: For purposes of this Rule, a vacancy shall occur when a new position is created or an incumbent of a position terminates employment with the District.

DEFINITION OF TRANSFER:

- 11.1.1.1 A transfer is a relocation of an employee to the same class in a different department or job site or to a related classification within the same salary range.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.2 VOLUNTARY TRANSFER: Transfer requests may be granted at any time, subject to the availability of positions and the qualifications of the applicant. Employees who have requested a transfer shall be given first consideration for a transfer based upon, but not limited to seniority, job performance, qualifications, and the needs of the District.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.2.1 Denial of a Transfer: An employee denied transfer may request, in writing, and shall be granted a meeting with the administrator who made the decision to deny the transfer. Following such meeting(s), an employee may request and shall receive written rationale for the denial of the transfer request. A copy of the written response shall become part of the employee's personnel file.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.3 ADMINISTRATIVE ASSIGNMENT (INVOLUNTARY TRANSFER): The Superintendent or designee, subject to the approval of the Board of Education, retains the right in accordance with these Rules to transfer staff at any time such assignment is in the best interest of the District. The employee shall be provided an official copy of the transfer notice within five (5) days.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.3.1 Conference To Discuss Involuntary Transfer: An employee who has been involuntarily transferred may, within five (5) days after receiving written notification, request and shall be granted a conference with the appropriate administrator to discuss the administrative reassignment. An employee may also request a written rationale for the administrative assignment and the benefits

that would accrue to the District as a result of the transfer. A copy of the written rationale shall become part of the employee's personnel file.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.4 LATERAL TRANSFER: An employee may request voluntary transfer or be administratively assigned from his/her position to another position in a related class. The determination of whether classes are sufficiently related to permit transfer between them shall be made by the Director-Personnel Commission. The following factors shall be considered in determining whether classes are sufficiently related: 1) duties, 2) minimum qualifications, and 3) examination content. The extent to which two classes are comparable may depend on additional factors deemed appropriate by the Personnel Commission.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.5 PERIOD FOR LATERAL TRANSFER: A permanent employee who transfers to a position from a class in which the employee has not previously completed a probationary period shall be considered probationary in the new class for the standard probationary period outlined in Chapter 9.3.1 of these Rules. At any time during this probationary period, the employee may be returned (transferred) to his/her former class without the right of appeal.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.6 NO ADVERSE EFFECT FROM TRANSFERS: A transfer shall not change the employee's range and step placement on the salary schedule, salary increment date, accumulated leave and vacation credit, or otherwise adversely affect the employee's rights as provided in these Rules.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.7 SENIORITY CREDIT: Transfers shall have no adverse impact upon the employee's seniority. When transfers are between positions in the same class, the employee shall retain his/her full seniority in that class. Amended 1/17/95

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.8 POSTING OF VACANCY NOTICES: Vacancy notices shall only be required to be distributed if there is no current and valid eligibility list in existence. In such instances, the vacancy notice will be posted pursuant to the procedures outlined in Chapter 5.1.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.9 SUBMISSION FOR REQUEST FOR TRANSFER: An employee may request a transfer to a vacant position by submitting a request for transfer on the approved form to the Personnel Commission Office no later than the closing date for those vacancies advertised in Classified Position Announcement(s).

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.10 CERTIFICATION OF NAMES TO INTERVIEW: The Director-Personnel Commission shall maintain a transfer and reinstatement list. Whenever the appointing authority requests an eligibility list to fill an existing vacancy in a classification, the Director-Personnel Commission shall also submit the appropriate transfer and reinstatement list (if any). The appointing authority may fill a vacant position by either a selection from the transfer and reinstatement list or eligibility list.

REFERENCE: Education Code Sections 45260 and 45261

- 11.1.11 APPEAL RIGHTS: An employee may utilize the Personnel Commission complaint procedure if the employee believes that the procedure for transfer has not been followed in accordance with these Rules. The complaint procedure shall not be available to challenge the District's right to transfer or deny a transfer in accordance with these Rules.

REFERENCE: Education Code Sections 45260 and 45261

11.2 DEMOTIONS

- 11.2.1 VOLUNTARY DEMOTION: A permanent employee may request a voluntary demotion to a vacant position in a class with a lower salary rate, provided that the employee has previously achieved permanent status in that class or, the request for demotion is to a related class in the same job series as defined by the Personnel Commission. Demotion requests shall be in accordance with Chapter 11.1.10.

11.2.1.1 Salary placement for employees who demote to a class with a lower maximum salary rate shall be in accord with these Rules.

- 11.2.2 INVOLUNTARY DEMOTION: An involuntary demotion is a disciplinary action and, as such, is subject to the disciplinary procedures in these Rules and Regulations. Amended 1/17/95

11.2.2.1 A permanent employee who has been promoted or reclassified to a higher class, or transferred to a new class, may be involuntarily returned to his/her former class during the probationary period without cause and without right of appeal. Amended 1/17/95 and 9/7/99

11.2.2.2 Salary placement for employees who are involuntarily returned shall be to their former range and appropriate step. Amended 1/17/95 and 9/7/99

REFERENCE: Education Code Sections 45260 and 45261

11.3 RESTORATIONS

- 11.3.1 RESTORATION OF FORMER EMPLOYEE: A former permanent employee who resigns in good standing may be reinstated to a vacant position in his/her former class and status within thirty-nine (39) months of the last date of his/her paid service. Resignation in good standing shall be determined by the Personnel Commission. In addition, the former employee may be reemployed to a vacant position in a lower-related class if qualified, as determined and approved by the

Personnel Commission, or in a limited-term status in the same or lower class. Such employment actions are discretionary with the appointing authority.

REFERENCE: Education Code Sections 45260 and 45261

- 11.3.2 RESTORATION OF CURRENT EMPLOYEE TO FORMER CLASS: An employee who has taken a voluntary demotion may be restored to a vacant position in his/her former class or to a vacant position in a related lower class as determined and approved by the Personnel Commission within thirty-nine (39) months after demotion. Except for demotion(s) taken in lieu of layoff which are covered by the layoff provisions of these Rules, restoration is discretionary with the appointing authority.

REFERENCE: Education Code Sections 45260 and 45261

- 11.3.3 EFFECTS OF REINSTATEMENT: Reinstatement or reemployment of a current or former employee as a permanent employee shall have the following effects:

- 11.3.3.1 A former employee would be restored to the former step in the salary range for the class, or if reemployed in a lower-related class, to the rate closest to that of the step to which he/she would be assigned if the former employee were reinstated to his/her former class.
- 11.3.3.2 A current employee being reinstated to a former higher class would be placed at the salary range of the higher class and then to the step required in these Rules if the employee was receiving a promotion.
- 11.3.3.3 The former employee would receive restoration of accumulated sick leave and seniority as of the date of separation.
- 11.3.3.4 The former employee would receive restoration of his/her former anniversary date deducting time away from the District and without step-advancement credit for the off-duty period.
- 11.3.3.5 The former employee would receive restoration of any prior longevity steps granted prior to resigning, without longevity step-advancement credit for the off-duty period.

REFERENCE: Education Code Sections 45260, 45261, and 45309