

CHAPTER 110

TRANSFER OF EMPLOYEES

110.1 TRANSFER

110.1.1 **DEFINITION OF TRANSFER:** For purposes of this rule, a vacancy shall occur when a new position is created or an existing position becomes vacant. There are two (2) different types of transfers impacting classified employees:

110.1.1.1 A position transfer shall mean the relocation of an employee between job sites or between departments at the same job site, within the same classification.

110.1.1.2 A lateral transfer is the transfer of an employee to a position in a similar or related class with the same salary range.

110.1.2 **POSITION TRANSFER:** A position transfer may be initiated by the District Administration or at the request of the employee. An employee may request a position transfer if he is performing satisfactorily. An employee whose last evaluation was unsatisfactory or needs to improve is not eligible for transfer, except with the approval of the Director of Classified Personnel Services. Administration initiated position transfers may be made at any time for the good of the Classified Service upon recommendation of the department/site supervisors and the approval of the Director of Classified Personnel Services and shall be governed by the following rules:

110.1.2.1 An employee who is about to be transferred shall be notified in writing by his immediate supervisor at least ten (10) working days prior to the effective date of the transfer.

110.1.2.2 An employee may request a conference or written statement regarding the reasons for an involuntary transfer. Upon such a request the District will comply prior to the effective date of the transfer. The reasons for the transfer shall be clearly spelled out in detail to the employee.

110.1.2.3 Employees shall not be transferred for punitive, preferential, or disciplinary reasons except as allowed under the disciplinary action provisions of these rules and regulations.

110.1.2.4 Employees may appeal involuntary transfers through the Commission's grievance procedure.

110.1.2.5 The involuntary transfer of employees shall be accordance with the VVUHSD/CSEA Contract, Article 6.8.

110.1.3 **LATERAL TRANSFER:** Transfer from a position in one class to a position in another related class shall first be approved by the Director of Classified Personnel Services. Determination of whether classes are sufficiently related to permit transfer between them shall be based on the similarity of 1) duties; 2) minimum qualifications; and 3) examination content. The extent to which the two classes must be comparable may depend on additional factors. In general, more latitude is allowed as an employee's length of service with the District increases; when the request for lateral transfer is based on layoff, reclassification, or health or; when the employee meets the minimum qualifications for the class.

110.1.4 **PROBATIONARY PERIOD FOR LATERAL TRANSFERS:** An employee who transfers to a position in a class in which he has not previously completed a probationary period shall be considered probationary in that class for the standard probationary period. At any time during this probationary period, the employee may be returned (transferred) to his former class without right of appeal except for those rights provided for all other probationary employees in Personnel Commission Rule. However, if such transfer to the former class would result in a layoff, demotion, or reduction in assigned time, the employee may appeal such action in the same manner as any other permanent classified employee pursuant to the provisions of Personnel Commission Rule.

110.1.5 **NO ADVERSE AFFECT 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 the law and these Rules.

110.1.6 **SENIORITY CREDIT:** Transfers shall have the following effect on seniority:

110.1.6.1 There shall be no effect upon seniority where both positions are within the same class.

110.1.6.2 Where the transfer is to a position in another lateral class, the employee shall not receive seniority in the new class for service in the former class(es). However, the employee shall retain his seniority in the former class as well as his total seniority with the District. Seniority in the new class shall commence with the employee's first day of paid service in the new class.

110.1.7 **TRANSFER SHALL NOT ALTER EFFECTS OF LAYOFFS:** A transfer shall not be used as a device for altering the effects of impending layoffs, although employees whose positions are to be eliminated may transfer to other classes provided for in these rules and regulations.

110.1.8 **CREATING A "TRANSFER LIST":** On May 1st of each year the Classified Personnel Services office will send to all employees a notice of the right to transfer for the coming year. Employees may apply for transfer at any time during the coming year. All transfer lists will be effective for one year expiring on June 30 of that year. Any employee on leave, vacation or re-employment list may authorize another employee to file on the employee's behalf.

110.1.9 **POSTING OF VACANCY NOTICES:** Transfer or promotional opportunities for vacant positions shall be announced to employees by a written bulletin which shall be distributed and posted in accordance with the VVUHSD/CSEA Contract, Article 6.4.2 at all work sites. The Classified Personnel Services office shall notify each employee who has registered a request to transfer.

REFERENCE: Education Code 45278

110.1.10 **CERTIFICATION OF TRANSFER APPLICATIONS:** The Director of Classified Personnel Services shall notify in writing each applicant of their disqualification whenever minimum qualifications are not met.

110.1.11 **CERTIFICATION OF NAMES TO INTERVIEW:** The Director of Classified Personnel Services shall certify and submit to the appropriate administrator or supervisor the names of all the candidates who are qualified for transfer consideration.

110.1.12 **FACTORS CONSIDERED BY SUPERVISOR IN TRANSFERS:** The supervisor of the vacancy shall consider transfer candidates based on the following factors:

110.1.12.1 Specific skills and qualifications for the vacancy.

110.1.12.2 Prior job performance as evidenced by the employee's most recent performance evaluation.

110.1.13 **NOTIFICATION OF TRANSFER SELECTION:** The department supervisor shall notify the Director of Classified Personnel Services of the decision made within three (3) working days after completion of the interviews. The selected transfer candidate shall be released by his other site/department within ten (10) working days of the date of selection, unless otherwise agreed to by all parties. The effective date of transfer shall be communicated in writing to all parties by the Director of Classified Personnel Services.

110.2 DEMOTIONS

110.2.1 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 occupational group. All other demotion requests would require the employee to file an application and go through the selection process as if the position were a promotion. All demotion requests shall require the approval of the Director of Classified Personnel Services.

110.2.1.1 An employee may take a voluntary demotion or reduction in assigned time in lieu of layoff or to remain in his present position rather than being reassigned.

110.2.1.2 A permanent employee may accept a temporary demotion on a voluntary basis to fill a limited term position or a summer assignment.

110.2.1.3 A voluntary demotion is available to a probationary employee, who does not hold permanent status in the District, only in cases when he would otherwise be laid off.

110.2.1.4 An employee who demotes to a class in which he does not hold permanency shall complete the appropriate probationary period in the new class.

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

REFERENCE: Education Code Section 45272

110.2.2 INVOLUNTARY DEMOTION: Involuntary demotion is a disciplinary action for cause and is subject to the disciplinary procedures in these Rules.

110.2.2.1 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 former class, during the probationary period, due to unsatisfactory work performance, pursuant to the disciplinary procedures in these Rules.

110.2.2.2 Salary placement upon involuntary demotion shall be in accord with these Rules.

REFERENCE: Education Code Sections 45302 and 45304

110.3 RESTORATIONS

110.3.1 RESTORATION OF FORMER EMPLOYEE: A former permanent employee who resigned in good standing may be reinstated to a vacant position in his former class and status within thirty-nine (39) months of the last date of his paid service. In addition, he may be re-employed to a vacant position in a lower-related class, if qualified, or in a limited-term status in the same or lower class. Such employment actions are discretionary with the appointing authority.

110.3.1.1 Good standing is extended under the following conditions.

1. Two weeks advanced written notice given for resignation. (This item will be waived if agreed to by administration in advance in writing.)
2. Last performance of record was a satisfactory or higher.
3. No pending disciplinary action against the employee.

NOTE: If the employee expects that he may possibly return within 39 months, then a written request for 39-month reinstatement should be made at the time of resignation.

110.3.2 RESTORATION OF CURRENT EMPLOYEE TO FORMER CLASS: An employee who has taken a voluntary demotion may be restored to a vacant position in his 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. Intervening reassignments to other classes shall not abrogate that right.

110.3.3 EFFECTS OF REINSTATEMENT: Reinstatement or re-employment of a current or former employee shall have the following effects:

110.3.3.1 A former employee would be restored to the former step in the salary range for the class, or if re-employed in a lower-related class, to the rate closest to that of the step to which he would be assigned if he were reinstated to his former class.

110.3.3.2 A current employee being reinstated to a former higher class would be placed at the former step and salary range of the

higher class and then to the step required in these Rules if the employee was receiving a promotion.

- 110.3.3.3** The former employee would receive restoration of accumulated sick leave and seniority as of the date of separation.
- 110.3.3.4** The former employee would receive restoration of his former anniversary date, deducting time away from the District and without step-advancement credit for the off-duty period.
- 110.3.3.5** 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 Section 45309