

EDUCATION SUPPORT PROFESSIONAL ASSIGNMENTS AND TRANSFERS

Colorado Springs School District 11 (the District) believes it is desirable to have guidelines under which employees may transfer from one job to another within the school system. In many instances, such transfers are beneficial to both the employee and the District.

Definition

“Transfer” means the change of an employee’s assignment from one position to another as determined by the Superintendent or his or her designee and approved by the Colorado Springs School District 11 Board of Education (the “Board”). Transfers may be voluntary or involuntary.

Voluntary transfers

Any employee may apply for a transfer to another position for which he or she is qualified. Requests for transfer shall be made in writing to the Human Resources Department by way of submission of an online application using the District’s internal/external applicant tracking system.

Any employee who applies for a position but is not selected may seek feedback from the District’s Human Resources Department or the hiring manager as to the reason the application was denied.

If an employee voluntarily transfers to a position with a lower salary than the employee is receiving in his or her current position, the employee, effective on the employee’s first day in the new position, shall receive the salary/wage applicable to the position to which he or she is transferring.

Involuntary transfers

The District shall strive to provide an employee with notice of an involuntary transfer resulting from a demotion to a lower pay grade position (unsatisfactory work performance and/or misconduct) at least 10 working days prior to the effective date of the action .The District shall strive to provide an employee with at least 10 working days notice due to an involuntary transfer due to reclassification or restructuring.

An employee served such notice may request a conference with the Superintendent or designee. The request must be received by the Superintendent or designee within 5 working days of the employee’s receipt of the notice, and a conference with the Superintendent or designee should be scheduled no later than 5 working days after the request is received by the Superintendent or designee. The employee may be accompanied to and assisted at the conference by the President of the ESP Council.

Beginning on the effective date of the transfer (*i.e.* the first day of the new position), the employee shall be paid at the salary/wage applicable to the position to which he or she is transferring, except in cases where the District involuntarily transfers an employee pursuant to a “restructuring,” in which case the employee’s previous salary shall be continued for a period of 60 days following the effective date of his or her transfer. The determination as to whether an

employee's involuntary transfer is the result of a "restructuring" for purposes of this policy shall be made by the Board in its sole discretion.

Nondiscrimination

The District is subject to the following laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act.

Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates.

Unemployment compensation

The transfer of an employee under this policy shall not constitute an admission of liability for purposes of the employee's eligibility for unemployment benefits.

Employment rights

THIS POLICY IS NOT INTENDED TO CREATE NOR SHOULD IT BE INTERPRETED AS CREATING AN EXPRESS OR IMPLIED CONTRACT, INCLUDING A CONTRACT OF EMPLOYMENT OR ANY PROPERTY RIGHT, RIGHT TO DUE PROCESS, OR OTHER CONTRACTUAL OR CONSTITUTIONAL RIGHT. EMPLOYEES HAVE NEITHER THE RIGHT TO BE EMPLOYED NOR THE RIGHT TO REMAIN IN ANY POSITION WITH THE DISTRICT. FURTHER, THIS POLICY IS NOT INTENDED TO NOR DOES IT ESTABLISH ANY RIGHT NOT EXPLICITLY ESTABLISHED BY STATUTE, AND THEREFORE, EXCEPT AS PROVIDED BY LAW, THE AUTHORITY TO ASSIGN OR TRANSFER AN EMPLOYEE REMAINS WITHIN THE SOLE DISCRETION OF THE BOARD.

Current practice codified 1980
Revised March 10, 1982
Revised September 28, 1983
Revised March 30, 1988
Revised April 26, 1989
Revised October, 2010
Revised November 11, 2015
Revised April 8, 2020

LEGAL REF.: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 104
34 C.F.R. Part 106
Fair Labor Standards Act, 29 U.S.C. § 201
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 621
Individuals with Disabilities Education Act, 20 U.S.C § 1400, et seq.
Exceptional Children's Education Act, C.R.S. 22-2-101, et seq.

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of
2008)
C.R.S. 2-4-401
C.R.S. 18-9-121
C.R.S. 22-32-109(1)(II)
C.R.S. 22-32-109.1(2)(a)(X)(B)
C.R.S. 22-32-110(1)(k)
C.R.S. 22-33-105(2)(c)
C.R.S. 22-61-101
C.R.S. 22-93-101, et seq.
C.R.S. 24-34-301 through 24-34-308
C.R.S. 24-34-401 through 24-34-406
3 CCR 708-11

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
AC-R, Regulation to Policy AC, Nondiscrimination/Equal Opportunity
GBA, Open Hiring/Equal Employment Opportunity and Affirmative
Action
GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
GDP, Educational Support Professional Promotions, Demotions
and Reclassifications