
Chapter 10

Transfer of Employees

10.1 TRANSFER

10.1.1 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.

10.1.2 DEFINITION OF TRANSFER: 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

10.1.3 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

10.1.4 ADMINISTRATIVE ASSIGNMENT (INVOLUNTARY TRANSFER): The department head 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. Such action shall not be taken for punitive or preferential reasons.

REFERENCE: Education Code Sections 45260 and 45261

10.1.4.1 Conference To Discuss Involuntary Transfer: An employee who has been involuntarily transferred may, within five (5) working 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

10.1.5 LATERAL TRANSFER: A permanent employee may request a voluntary transfer or be administratively assigned to a position in a related class on the same salary range. Such transfers shall be made only with the approval of the Personnel Commission.

The Personnel Commission shall determine whether classes are sufficiently related to permit transfer between them. It shall consider similarity of duties, minimum qualifications, examination content, occupational group, and promotional field (above and below). In general, more latitude in transfers is permitted: (1) As the employee's seniority in the classified service increases; (2) When the transfer request is based on impending layoff, or for reasons of health; (3) When the employee meets the minimum requirements for the class.

REFERENCE: Education Code Sections 45260 and 45261

10.1.6 PROBATIONARY PERIOD FOR LATERAL TRANSFER: A permanent employee who transfers to a position in a class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of six (6) months. At any time during the probationary period, the employee may be returned (transferred) to his/her former class without right of appeal, unless such action results in layoff, demotion, or reduction in assigned time. In the latter cases, the employee shall have the same appeal rights as a permanent employee who is demoted or dismissed.

REFERENCE: Education Code Sections 45260 and 45261

10.1.7 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

10.1.8 SENIORITY CREDIT: Transfers shall have the following effects on seniority: (1) None within the same class; (2) From one class to another, the employee shall not receive seniority credit in the new class for service in other classes; however, he/she shall retain such credit as seniority in the classified service.

REFERENCE: Education Code Sections 45260 and 45261

10.1.9 POSTING OF VACANCY NOTICES: Written notices concerning vacancies, transfer opportunities and other such selections of shifts, positions, assignment, classifications, or locations shall be posted at all work locations of affected employees at least fifteen (15) days prior to the closing date for filing applications for the position. Notices shall be mailed to employees requesting such notices during off-duty periods such as Winter, Spring, and Summer recesses, vacation, and leaves of absence. The failure of an employee to receive such notice shall not invalidate the selection procedure if the notice was placed in the mail and postage paid. The Director of Classified Personnel shall maintain a written record of all requests for transfer and change of location, shift or assignment.

REFERENCE: Education Code Sections 45260 and 45261

10.1.10 SUBMISSION FOR REQUEST FOR TRANSFER: Employees wishing to request a transfer or change of assignment must submit such request in writing to the Director of Classified Personnel. All requests will be kept on file for a period of twenty-four (24) months and may be extended at the request of the employee.

REFERENCE: Education Code Sections 45260 and 45261

10.1.11 CERTIFICATION OF NAMES TO INTERVIEW: Whenever the appointing authority requests an eligibility list to fill an existing vacancy in a classification, the Director of Classified Personnel shall submit the appropriate transfer and reinstatement list (if any). The appointing authority may fill a vacant position from a selection of three rankings from the transfer, reinstatement and/or eligibility list.

REFERENCE: Education Code Sections 45260 and 45261

10.1.12 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

10.2 DEMOTIONS

10.2.1 VOLUNTARY DEMOTION: A permanent employee may request a voluntary demotion to a class with a lower maximum salary rate provided he/she meets the minimum qualifications for the class. Such requests require

the approval of the department head and that of the head of the department to which he/she is to be assigned.

Voluntary demotion is only available to a probationary employee in cases when the employee would otherwise be laid off for lack of work or lack of funds.

10.2.2 INVOLUNTARY DEMOTION: An involuntary demotion is a disciplinary action and, as such, is subject to the disciplinary procedures in these Rules and Regulations.

10.2.2.1 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.

10.2.2.2 Salary placement for employees who are involuntarily returned shall be to their former range and appropriate step.

REFERENCE: Education Code Sections 45260 and 45261

10.3 RESTORATIONS

10.3.1 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, 45261, and 45309

10.3.2 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, 45261, and 45209

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

10.3.3.1 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.

10.3.3.2 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.

10.3.3.3 The former employee would receive restoration of accumulated sick leave and seniority as of the date of separation.

10.3.3.4 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.

10.3.3.5 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 □