

ARTICLE 9
TRANSFERS, PROMOTIONS AND REASSIGNMENTS

9.1 Voluntary Transfers (Lateral and Lower Classifications)

- 9.1.1 **Definition:** A transfer is a non-disciplinary change in a permanent employee's work assignment to another work station within the same classification or to a position in another classification. Transfers are not to be utilized to effect promotions.
- 9.1.2 **Requests:** Transfers may be initiated by the employee, the immediate supervisor, the department head, or the administrator in charge of the unit. This section (9.1 and subsections) addresses only employee-initiated transfers.
- 9.1.3 **Salary:** Transfers will be allowed only when the new work assignment will call for a salary range placement equal or lower than the current salary placement of the employee.
- 9.1.3.1 A voluntary transfer to a lower classification may result in a salary reduction and no "Y-rating" adjustments shall be allowed. The employee shall be placed on a salary step in the lower range which corresponds in credit for years of service to that which was provided in the higher range. However, in no case shall the new pay level exceed the maximum salary for the lower classification.
- 9.1.4 **Eligibility:** No employee shall be considered for transfer to a new position, unless the employee meets the minimum requirements of the proposed new assignment, and has successfully completed probation in the current assignment.
- 9.1.5 **Process:** An employee desiring a transfer shall notify the chief personnel officer. The request and the circumstances surrounding it shall be confidential at this stage of procedure. The transfer request may be general in nature or directed toward a specific position. District seniority (date of hire) shall prevail, but shall not be a consideration in requests for transfer except when multiple requests are made for a single position.
- 9.1.6 The chief personnel officer shall maintain a transfer request file, and when appropriate keep a transfer list ensuring continuing eligibility.
- 9.1.7 When a position vacancy occurs, employee(s) who have requested a transfer will be contacted by the personnel officer/designee to determine whether he/she wishes to be considered for that position. This shall be accomplished prior to initiating the recruitment process.

- 9.1.8 Upon verification from the employee that the transfer request remains valid, the Human Resources Department will arrange an interview of that employee to be conducted by the immediate supervisor of the position, the administrator responsible for the unit, and the personnel officer or designee.
- 9.1.9 If, following the interview, the transfer is agreeable to all parties, the change in assignment shall be made as soon as it is practically possible.
- 9.1.10 In the event that the employee desires to be transferred and has completed the above process, but the decision is not to effect transfer, the employee shall be given the reason(s) for the denial in writing. Transfers and transfer denials shall be made for valid reasons.
- 9.1.11 An employee who transfers voluntarily to another position under the above process will serve a three month probationary period and be evaluated in the same manner as a new employee. In the event an employee is deemed unsuccessful in the new position, he/she shall be entitled to reinstatement in the former held position, if available, or in the alternative any opening in that class or a lower class for which the employee qualifies and chooses to accept.

9.2 **Promotions**

- 9.2.1 **Internal Promotional Opportunity**: The District will provide internal promotional opportunities to fill vacancies in accordance with AR 5000 and 5500, which implement Affirmative Action hiring policies. Persons on reemployment or transfer lists shall be considered first. Persons who have resigned but meet the conditions set forth in section 8.11 may be considered next. If no candidates are available or hired from those lists, an internal promotion process will commence if proportionate representation exists. Proportionate representation exists when the percentage of persons from the minority groups in the applicable work force is at least equal to the percentage of members of that group who are determined to be available and qualified to perform the work in question.

Notification of vacancies will be posted in the Human Resources Department and posted at each department and division office for at least ten (10) working days prior to any action being taken to consider any application for the position. The notice of position openings will include the job title and position; description of duties; minimum qualification; the assigned job site; hours, weeks and months per year; salary range and deadline to apply.

The District will ensure that the search and selection procedure contained in AR 5500 is implemented in a timely manner.

- 9.2.2 **Promotion by Reassignment**: Permanent employees, upon reassignment to a position of higher classification (promotion), will serve a probationary period of six (6) working months. In the event an employee is deemed unsuccessful in the

new position, he/she shall be entitled to reinstatement in the former held position, if available; or in the alternative any opening in that class or a lower class for which the employee qualifies and chooses to accept.

9.2.2.1 When an employee is assigned to a position of higher classification (promotion), he/she shall receive at least a five percent (5%) salary increase, as long as the salary schedule provides a 5% opportunity, and the original anniversary date shall be retained.

9.3 **Administrative (Involuntary) Transfers & Demotions**

9.3.1 **Definitions:**

9.3.1.1 **Administrative (Involuntary) Transfer:** An Administrative (Involuntary) transfer is one which is initiated by the employee's immediate supervisor, the department head, or the administrator in charge of the unit, and does not result in a pay reduction.

9.3.1.2 **Demotion by Reassignment:** A demotion is an administrative (involuntary) transfer of an employee, not pursuant to the disciplinary process contained in Board Policy #5530 (Appendix E to this Agreement), to a class having a lower salary range.

9.3.1.3 **Demotion by Position/Class Adjustment:** Downward adjustments of any position or class of positions to a lower salary range by the District shall be considered demotions and shall take place only as a result of the conditions set forth in section 9.3.3 of this Article or Article 10, Classification and Reclassification of Positions, Section 1. Such actions shall be considered non-disciplinary.

9.3.2 **Administrative (Involuntary) Transfer**

9.3.2.1 In the event of an administrative initiation of the transfer request, the employee and the Union shall be informed that the request will be made and the circumstances surrounding it. The employee and the Union shall be afforded an opportunity to meet with the District regarding the proposed transfer, to discuss compliance with process and/or to attempt to reach agreement on the transfer. At this stage of the process, the administrative request may be general in nature or directed toward a specific position.

9.3.2.2 **Grievance—Transfer Process:** Any transfers ordered by the administration on which agreement has not been reached by the parties involved shall be subject to the grievance procedure for compliance with process, but such transfer shall remain in effect during the pendency of the grievance.

9.3.3 **Demotion by Reassignment**

- 9.3.3.1 The demotion of an employee in the classified service shall be limited to the following two (2) conditions: (1) when necessary to assist the employee to make appropriate adjustments in the responsibility level or performance of his/her duties; (2) when necessary due to reorganizational priorities brought about by lack of work, lack of funds, or program changes. Demotion by reassignment is subject to the grievance procedure and may be implemented only after meet and confer with the Union. Upon demotion by reassignment, the employee's salary shall be according to section 9.3.3.3.
- 9.3.3.2 The demoted employee shall enjoy preferential consideration for openings in his/her former classification for a period of thirty-nine (39) months.
- 9.3.3.3 **Salary Upon Demotion**: Upon reassignment to a regular position at a lower salary range, by administrative (involuntary) demotion, the employee shall continue to receive the salary of his/her former classification. In addition, such a demotion shall result in a "Y-Rating" adjustment. This is to be distinguished from a demotion effected pursuant to a disciplinary process under Board Policy #5530 (Appendix E), in which case "Y-Rating" shall not occur.
- 9.3.3.4 **"Y-Rating" adjustments are defined as follows**: When an employee is reassigned to a lower classification having a maximum rate which is less than the dollar amount of the previous classification, the employee's salary shall remain at the previous level until such time as future salary increases bring the salary range up to a point where the Y-Rate falls within the range.

9.4 **Filing for Transfers, Promotions and Job Opportunities While Absent from Service**:

Any employee within the bargaining unit who is contemplating a long-term leave or vacation may, prior to such absence, file with the Human Resources Department a request to be considered for transfers, promotions or job opportunities that may open during that period of time.

In the event that such a request is filed, and the employee has provided an accurate means by which to receive communications, the Human Resources Department will make every reasonable effort to notify the employee and expedite their application. Any employee wishing to exercise the provisions of this section shall do so within the normal time limits afforded to all other employees.