

CHAPTER 11

TRANSFERS

11.1 TRANSFER

11.1.1 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 different types of transfer impacting classified employees.

11.1.1.1 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.

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

Reference: EC§ 45260 and 45261

11.1.2 POSITION TRANSFER:

A position transfer may be initiated by the District or at the request of the employee. An employee may request a position transfer if the employee has permanent status and 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 Human Resources-Classified. District initiated position transfers may be made at any time for the need and efficient operation of the District and shall be governed by the following rules:

11.1.2.1 An employee shall be given five (5) days' notice prior to the effective date of the transfer.

11.1.2.2 An employee may request a conference regarding the reasons for an involuntary transfer. Upon such a request the District will comply prior to the effective date of the transfer.

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

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

11.1.3 LATERAL TRANSFER:

Transfer from a position in one class to a position in another related class shall first be approved by the Director Human Resources-Classified. Determination of whether classes are sufficiently related to permit transfer between them shall be based on the

similarity of duties, minimum qualifications, and 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 or reclassification. The employee must meet the minimum qualifications for the class.

Reference: EC§45260 and 45261

11.1.4 PROBATIONARY PERIOD FOR LATERAL TRANSFERS:

A permanent employee who transfers to a position in a class to which the employee has not previously completed a probationary period shall be considered probationary in that class for the standard probationary period outlined in these rules. At any time during this probationary period, the employee may be returned to his/her former class without right of appeal except for those rights provided for all other probationary employees in Personnel Commission Rule 9.3.

Reference: EC§ 45260 and 45261

11.1.5 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, unless such transfer is for disciplinary reasons.

Reference: EC§ 45260 and 45261

11.1.6 SENIORITY CREDIT:

Transfers shall have no adverse impact upon the employee's seniority. When transfers are within the same class, the employee shall retain his/her full seniority. When the transfer is to a position in a lateral class, the employee will begin earning seniority in the lateral class upon the effective date of the transfer but shall maintain seniority in his/her previous class.

11.1.7 POSTING OF TRANSFER NOTICES:

Transfer notices shall be posted whenever a vacancy occurs. The vacancy notice will be posted at all work locations.

11.1.8 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 the transfer.

11.1.9 CERTIFICATION OF NAMES TO INTERVIEW:

The Director Human Resources-Classified shall certify and submit to the appropriate administrator or supervisor the names on the transfer list and the first three (3) ranks from the appropriate eligibility list.

11.2 DEMOTIONS

11.2.1 VOLUNTARY DEMOTIONS:

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. 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 Human Resources-Classified.

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.

Reference: EC§45272

11.2.2 INVOLUNTARY DEMOTIONS:

An involuntary demotion is a disciplinary action and, as such, is subject to the disciplinary procedures in these rules.

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.

11.2.2.2 An employee who has been demoted as a form of discipline will be required to serve a probationary period in the lower classification unless he/she has previously attained permanent status in the lower classification.

11.2.2.3 Should the employee fail to pass the probationary period in the lower classification, the employee shall not have the right to return to the higher classification from which he/she was demoted.

11.2.2.4 Salary placement upon involuntary demotion shall be in accord with these rules.

Reference: EC §45302 and 45304

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. In addition, the former employee may be reemployed to a vacant position in a lower-related class (as determined and approved by the Personnel Commission), 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: EC §45260, 45261 and 45309

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: EC §45260, 45261, and 45309

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 increment granted prior to resigning, without longevity step-advancement credit for the off-duty period.

Reference: EC §45260, 45261, and 45309