

ARTICLE XIII
TRANSFERS

A. Purpose/Definition

1. A transfer shall be defined as the movement of an employee to a different site and may be employee or district initiated.
2. A reassignment is the assignment of an employee from one certificated bargaining unit position to another at the same site.
3. A vacancy is a position that becomes available due to a long-term leave of absence, resignation, or is a newly created position.
4. For the purposes of this section, "posting" will mean that the job title and job details will be posted at each school site in a conspicuous location as well as the District website for the period of time as referred in C.1 Posting of Vacancies.

B. Reassignment

1. When a vacancy occurs at a school site, first consideration shall be given to on-site employees.
2. If a vacancy occurs after the beginning of the school year and an internal transfer is not facilitated at that time, the vacancy will be filled with an employee temporarily assigned to the position. Vacancies will be posted on site prior to the beginning of the subsequent school year pursuant to Section B.1.
3. Employees who are not reassigned to the requested position will, upon request, be given written notice stating the reason(s) for non-selection within five (5) days of the request for written notice.

C. Posting of Vacancies

1. Timelines
 - a. Vacancies occurring: 1) during the traditional summer break, 2) in the spring prior to the subsequent school year, or 3) due to special assignment position during the school year, shall be posted at each school site (as defined in A.4) for five (5) contractual days.
 - b. Vacancies that occur three (3) calendar weeks prior to the start of the instructional school year shall be posted for three (3) contractual days.
2. No assignment to fill the vacancy shall be made prior to the closing date of the posting period.

D. Employee-Initiated Transfer

1. To be considered for a transfer to a posted vacancy, the employee shall complete the transfer request form and submit it to the District during the posting period.
2. In the determination of a request(s) for an employee-initiated transfer, the wishes of the individual employee shall be honored by considering the following criteria:
 - a. the needs of the students to be served
 - b. the needs and efficient operation of the district
 - c. preference and professional needs of the unit member
 - d. seniority in the district
3. When two (2) or more permanent certificated employees put in a transfer request they will be contacted and offered an opportunity for an interview for any site openings for which they are qualified, prior to the consideration of external candidates.
4. No such transfer request shall be denied arbitrarily, capriciously or without basis in fact.
5. An employee who is denied a transfer pursuant to Section C and D may request, and will be granted, a meeting with the administrator to discuss the issue. In addition, employees who are not reassigned to the requested position will, upon request, be given written notice stating the reason(s) for non-selection within five (5) days of the request for written notice.

6. A request for transfer is without prejudice to the employee and shall not jeopardize the present assignment.
7. If a permanent employee has consistently applied for a transfer for at least two years and has not been successful, the Assistant Superintendent, Human Resources, may be contacted by the employee to discuss the transfer result.
8. Transfer list(s) sent to supervisors of certificated personnel will also be sent to the EEEA President.

E. District-Initiated Transfer

1. Notice of District-initiated transfers for the coming school year shall be given in writing to the employees as soon as practical and normally no later than fifteen (15) contractual days before the end of the school year.
2. Notice of intent to invoke a District-initiated transfer during the school year shall be given in writing to the employee as soon as possible.
3. A District-initiated transfer shall be based on the following criteria:
 - a. the needs of students to be served with an explanation
 - b. the needs and efficient operation of the district
 - c. the preference of the employee
 - d. change in enrollment
4. No employee shall be involuntarily transferred for the reasons specified in 3.a through d. above, if there is a voluntary transfer applicant who is qualified and competent to fill the position and whose transfer would negate the need for an involuntary transfer of another employee.
5. An employee being involuntarily transferred pursuant to Section 3.a and d, shall be given first consideration with regard to choice among vacant positions for which he/she is qualified, over those seeking a voluntary transfer.
6. A District-initiated transfer shall be made only after a meeting between the employee and the appropriate District Office or site administrator. At such time the employee, upon written request, shall be given written reason(s). A good faith effort to find alternate solutions to the problems will be made by the administration if the employee objects to the transfer on the basis of the reasons provided at this meeting.
7. If an employee is involuntarily transferred, such transfer shall not occur prior to two (2) contractual days following the meeting with the District Office or site administrator when the transfer is between three (3) calendar weeks before the start of the instructional school year and during the first four (4) instructional weeks. An involuntarily transfer which occurs outside of the above period shall not occur prior to five (5) contractual days after the meeting with the District Office or site administrator, unless there is agreement to implement in a shorter time frame.
8. Upon request, the District will provide assistance with lifting and moving materials from the present work location to the new location. In addition, a substitute will be provided for one day for the move at the transfer employee's discretion in collaboration with the site administrator. If additional release time or assistance is needed, then the employee may contact the site administrator and/or Human Resources to consider individual circumstances.
9. For any District-initiated transfers based on a change in enrollment in which there is no voluntary transfer applicant as defined in E.4 and the employee to be transferred is not the least senior at the site, then the reason for the selection shall not be arbitrary or capricious.

F. Mid-Year Transfer

1. If vacancies occur after the beginning of the school year, these vacancies will not be posted for that school year and shall be filled with an employee temporarily assigned to that position. Such vacancies will be posted for the subsequent school year after site reassignment procedures as outlined in Section B.
2. Special assignment positions may be posted for permanent transfer.

G. Intention of Retire

Following formal acceptance by the superintendent of an official retirement statement and notice of resignation submitted by an employee, said employee shall not be involuntarily transferred during his/her last year of employment in the District.

H. Staff of New Schools

The provisions of Sections B., Posting of Vacancies and D., Employee Initiated Transfers, shall apply except that, in general, the number of employees transferring from a specific school to a new school shall be limited to fifteen percent (15%) of the employees at each site. It is understood and agreed that the fifteen percent (15%) limitation is a guideline and should be seen as flexible to accommodate specific employee and District needs.

I. Involuntary Change of Grade Levels within a School

1. No involuntary change of grade levels within a school shall span more than three (3) grade levels (excluding the grade level of the current assignment), except with the mutual consent of the employee and his/her immediate supervisor.
2. Notwithstanding the provisions of Section H, above, an involuntary change of grade levels within a school of more than three (3) grade levels may take place without mutual agreement in the following situations:
 - a. Discontinuance or modification of educational programs,
 - b. Declining or shifting enrollment at a given school, or
 - c. Lack of building facilities.