

Highlighted Sections relevant to Unassignments before Internal Phase

ARTICLE 18 TRANSFERS

18.1 Assignment Notices

- 18.1.1 “Assignment” is defined as the bargaining unit position in which a professional educator is placed.
- 18.1.2 “Transfer” is defined as a change from one assignment to another.
- 18.1.3 For purposes of determining competence under this Agreement, “subject” shall be defined in accordance with Appendix D. Competence is defined in Section 20.2.2.
- 18.1.4 A professional educator shall not be assigned to a position outside of his/her licensure and competence except by mutual agreement between the professional educator, and the District.
- 18.1.5 Before the internal phase of interviews begins, administrators will either publish their initial assignments or notify staff in writing of their tentative assignments for the coming year. Professional educators shall be promptly notified in writing of any assignment changes that occur during the summer recess period.

18.2 Notice of Resignation/Vacancies

- 18.2.1 If a professional educator gives written notice of resignation (excluding resignation in lieu of termination, non-renewal or non-extension) or retirement no later than January 15th, the professional educator will receive \$1250. If a professional educator gives such written notice no later than February 15th, professional educator shall receive \$700. Such payment shall be received in the professional educator’s final paycheck.
- 18.2.2 When written notice is received by a supervisor that a professional educator is resigning or transferring and will no longer occupy a position for the subsequent school year, the supervisor will promptly forward said notice to the Human Resources Department which will determine and validate that a vacancy exists. A vacancy shall be deemed to exist if the position is continuing for the subsequent year, or when a new position is created by the District.

18.3 Posting Procedures

- 18.3.1 As the District prepares to fill vacancies for the subsequent school year, but prior to the consideration of applicants from outside of the District, a posting of such vacancies, including special assignments, shall be made by the Human Resources Department.
- 18.3.2 Such vacancies shall be posted for a minimum of five (5) workdays. Posting is not required for vacancies to be occupied by unassigned professional educators, or to be occupied by other administrative transfers. Positions previously posted for which there were no qualified internal applicants need not be posted again.
- 18.3.3 Postings shall contain a description of the expected assignment (e.g., chemistry/biology, third grade, SLC-B, etc.) Preferred skills, training, experience and methodologies to be considered may be identified. Other desired building needs may also be included.
- 18.3.4 Professional educators shall have five (5) working days from the date of initial posting to submit a transfer request form with respect to a posted vacancy.

- 18.3.5 The five-day posting requirement shall be waived after July 1st. After July 1, professional educators may make application for posted positions as they become available. Professional educators who have applied for positions prior to the closing date indicated on the posting will be given consideration as outlined in accordance with this Article. Such positions shall be posted for a minimum of three (3) workdays.
- 18.3.6 New vacancies in ongoing positions which become known within twenty-one (21) calendar days prior to the first workday of the standard school year shall not be subject to the posting requirements in Section 18.3.5. Newly created positions are subject to the posting requirements in Section 18.3.5.
- 18.3.7 Positions which are filled temporarily during the school year must be posted for the subsequent school year if the position continues, unless a position is to be occupied by a professional educator returning from a leave of absence as per Section 17.5.1 or to be occupied by an administrative transfer. A temporary professional educator who has been assigned to the position for sixty (60) days or more may apply only for the position held during the internal transfer process. Such applicant shall be considered as an external candidate when compared to other internal candidates.

18.4 Filling of Vacancies

- 18.4.1 The following shall apply to the filling of vacancies which occur near the beginning of the school year:
- 18.4.1.1 Current professional educators or newly hired professional educators shall be used to fill permanent positions that are vacant or new (except positions of professional educators who are on leave) on or before the first workday.
- 18.4.1.2 Substitute teachers may be hired to fill all vacancies that occur after the first day of the school year prior to October 15.
- 18.4.1.3 After October 15, all such positions that are to continue for the remainder of the school year shall be filled by:
- a. transferring a current professional educator, or
 - b. hiring the incumbent substitute as a temporary professional educator retroactive to his/her first day in the assignment, or
 - c. hiring a new temporary professional educator.
- 18.4.2 Vacancies due to long-term absences of the incumbent professional educator shall be filled as follows:
- 18.4.2.1 Those of sixty (60) workdays or less will be filled by substitute teachers.
- 18.4.2.2 Those of more than sixty (60) workdays will be filled as follows:
- a. If the length of the absence is not known at its beginning, the substitute shall become a temporary professional educator if retained beyond sixty (60) workdays. In such assignments, the temporary professional educator may be released at a normal break in the school year to allow for continuity of instruction as the regular professional educator prepares to return to the assignment.
 - b. If a specific ending date beyond sixty (60) workdays is known at the beginning of the leave, a temporary professional educator shall be hired on the first day.

18.4.3 If qualifications are found to be equal, unit members requesting voluntary transfers shall be chosen over outside applicants.

18.4.4 Letters of Intent

18.4.4.1 Prior to the initial external phase, the District may issue letters of intent to external candidates for hard-to-fill vacancies and to professional educators of color provided:

- a. Job applicants receiving a letter of intent shall be considered external candidates, and shall not receive an assignment until during/after the initial external phase;
- b. Job applicants receiving a letter of intent not selected in the initial external interview stage (after the vacancies are posted externally and interviews take place) shall be placed in a position; and
- c. Job applicants receiving a letter of intent shall not cause any professional educator to be unassigned or laid off.

18.5 Professional Educator Initiated Transfer

18.5.1 Professional Educator initiated transfers are those in which a professional educator requests a transfer from one assignment to another.

18.5.2 A professional educator may initiate a transfer by making application for a posted vacancy. A professional educator who files a transfer request for a posted position shall be subject to assignment in the position unless the professional educator notifies the supervisor by the end of the second day following the interview that the professional educator is no longer interested in the assignment.

18.5.3 A professional educator who accepts a transfer is not eligible to apply for a subsequent transfer in the same year unless said professional educator was initially involuntarily unassigned prior to applying for the initial transfer.

18.5.4 Voluntary Unassignment with Rights

A professional educator who has served in a building assignment for five (5) or more years may volunteer to be placed on the unassigned list along with other professional educators who are unassigned pursuant to Section 18.6.1 of this Article. Such volunteers shall be considered for voluntary administrative transfer. If no mutually agreeable voluntary administrative transfer occurs, they shall be continued in their present position.

18.5.5 A professional educator making a timely transfer request shall be promptly notified when s/he is no longer under consideration. Professional educators with five (5) or more years of service with the District shall be interviewed except that in no case will a supervisor having three (3) or more vacancies be required to interview more than three (3) applicants for each vacancy. A supervisor with fewer than three (3) vacancies will not be required to interview more than five (5) applicants for each vacancy.

18.5.6 A part-time assignment which is identified as full-time for the subsequent school year may be filled by the incumbent professional educator after the internal transfer process if mutually agreed by the professional educator and the District, without posting as long as unassigned professional educators who are properly licensed for such assignment have positions.

18.5.7 Professional educators on a Program of Assistance for Improvement which will continue into the subsequent school year may request a transfer to a posted vacancy. Professional educators on a Program of Assistance for Improvement shall not normally be approved for transfers. However, there may be occasions when a transfer into a more suitable assignment makes sense.

If a transfer is approved, the Program of Assistance for Improvement shall continue in force, and the professional educator will not cite any additional work or adjustment required by the transfer as reason why expectations of the program cannot be accomplished according to the program timelines.

- 18.5.8 Two professional educators may trade assignments by transferring when approved by the responsible administrators and the Human Resources Department.

18.6 Administration Initiated Transfers

- 18.6.1 When the administration is of the opinion that a professional educator should be transferred the situation shall be discussed with the professional educator. All reasonably practicable efforts will be made to effect a suitable re-assignment fairly and objectively, including consideration of the professional educator's preference. A professional educator will be notified of the new assignment through consultation as soon as possible but at least seven (7) calendar days prior to the transfer date. Except in the annual staffing process in 18.6.2, an administrative transfer shall not result in a professional educator being "unassigned".

18.6.1.1 A professional educator who is administratively transferred to a different worksite and assignment or to a different grade level at the elementary level during the Summer Break, exclusive of the traditional spring round of transfers, shall be provided two (2) planning days to prepare for the new assignment.

18.6.1.2 A professional educator who is administratively transferred to a different worksite and assignment or to a different grade level at the elementary level after the work year has begun, exclusive of the traditional spring round of transfers, shall be provided two (2) planning days to prepare for the new assignment.

18.6.1.3 A professional educator who is assigned to a different subject area at the middle or high school level after the work year has begun, shall be provided two (2) planning days to prepare for the new assignment.

18.6.1.4 A professional educator who is relocated to a different room within a building after the work year has begun shall be provided one (1) planning day to prepare for the new assignment.

18.6.1.5 Such additional planning days shall be provided each time a professional educator is administratively transferred or relocated as described above.

18.6.1.6 Professional educators other than teachers shall discuss with their supervisor the revision of their schedule of activities to provide equivalent amounts of preparation time to that specified above.

18.6.1.7 Professional educators who are granted planning days to prepare for new assignments as described above shall have the option of receiving substitute time during the work year, or being paid at the professional educator's per diem rate of pay to complete the work outside of the work year or work day.

18.6.2 In the event that a tax base or levy failure, declining enrollment, program change, or change in funding results in reduction of staff in a building or program area, transfer of staff will be based on educational criteria as described below with respect to the program requirements as determined by the District. Volunteers will first be requested and considered from among the appropriately licensed professional educators. Such volunteers shall be selected for transfer if they are from within the grade level(s) or subject matter area(s) where the positions are to be eliminated provided the volunteer(s) are not on a Program of Assistance for Improvement. In the absence of volunteers, the professional educator having the least seniority in the District shall generally be transferred. Exceptions to seniority may be made by the responsible

administrator based only upon any of the following educational criteria: with the understanding that reference to a professional educator in 18.6.2.1 – 18.6.2.6 refers to within a given job classification, such as Teacher, Social Worker, School Psychologist, Student Services Specialist, Child Development Specialist, and Audiologist:

- 18.6.2.1 The professional educator(s) being retained has/have unique licensure for a specific existing assignment being considered;
 - 18.6.2.2 Gender balance: Transfer of a professional educator would decrease the building's percentage of under-represented male or female professional educator to less than thirty percent (30%) (or primary/intermediate/upper grades percentage in an elementary building);
 - 18.6.2.3 Racial balance: If transfer of a professional educator would decrease the building's percentage of minority teachers to less than the student minority percentage in the building or below the percentage of minority professional educators in the District;
 - 18.6.2.4 That professional educator being retained has bilingual (or multilingual) ability relevant to the assignment (See Appendix I);
 - 18.6.2.5 The professional educator(s) being retained has an extended responsibility assignment as defined in Appendix B which is an extension of a classroom subject taught (e.g., drama, forensics, music, yearbook, newspaper) or is a department chairperson, head teacher or unit leader; or
 - 18.6.2.6 Up to five (5) (with no more than three (3) in athletics) professional educator(s) at the high school level being retained has an extended responsibility assignment as defined in Appendix B. Such designation shall be done at each high school prior to the time of the initial posting for the next school year. A subsequent designation may be made in the event a professional educator transfers by applying for a posted position or resigns, but in no event will the number exceed that specified in each classification in this paragraph. The positions so designated must be only at the highest level of a given extended responsibility category and are those typically found at District high schools. "Highest level" is defined as the following extended responsibility positions:
 - a. Athletic Director
 - b. Head Coach
 - c. Activities Director
 - d. College and Financial Aid Coordinator
 - e. Varsity Cheer
 - f. Testing
 - g. TAG
- 18.6.3 It is understood for purposes of Section 18.6 that Child Development Specialists, School Psychologists, Student Services Specialists, Social Workers, and Audiologists are to be treated as individual classifications rather than as a part of the building teaching staff. The transfer process for school psychologists is included in Appendix J.
- 18.6.4 The District shall post vacancies for the internal transfer process no later than March 1 of each school year. Any contract or third-year probationary professional educator may apply for a posted position in the internal transfer process. First year and second year probationary professional educators who are unassigned may also apply for a posted position in the internal transfer process. External applicants and temporary professional educators (except as provided in 18.3.7) may not apply for positions in the internal transfer process.

- 18.6.5 A professional educator who remains unassigned after the internal transfer process shall be transferred into a remaining vacant position for which the professional educator is both licensed and competent prior to the consideration of applicants from outside of the District.
- 18.6.6 Following the internal transfer process, any professional educator may apply for any posted vacancy except a professional educator who has accepted a voluntary transfer under the provisions of Sections 18.5.2 – 18.5.3. Following the internal transfer process, a vacancy may also be posted externally unless there is an unassigned professional educator who is properly licensed and competent for such position.
- 18.6.7 If a professional educator has been administratively transferred under the provisions of 18.6.2 and a position for which the professional educator is qualified at his or her original school or program becomes available, the professional educator may be returned to that school under the provisions of 18.6.2. If such a position occurs while the professional educator is unassigned, the professional educator shall be returned to that school or program.
- 18.6.8 In the event of a merger of classes or programs from two (2) or more schools, the follow-the-student concept shall prevail. Professional educators from merged schools or programs will be compared equally using the criteria described in 18.6.2 in filling all the positions in the school. The faculty lists are merged and then staff is given the choice to be placed into the new merged school or stay in the current school based on seniority and licensure order. If there are not enough positions at the original school, then the regular unassignment process shall take place.
- 18.6.8.1 A merger causes a school to be comprised of at least forty percent (40%) of its students from the original school if two (2) schools are involved, or at least the following percentage if more than two schools are involved: 3 schools: 27%; 4 schools: 20%, 5 schools: 16% (1 divided by number of schools involved) times 80%).
- 18.6.8.2 When a middle school is being formed, all the professional educators from the K-8 schools involved who have experience in grades 6-8 in the past five (5) years shall be included in the process for staffing the new school.
- 18.6.9 When classes, or programs from two (2) or more schools are combined in one school, professional educators who have their program, or school closed shall be placed in the school where their program, or class is transferred provided there are sufficient positions available. If there are insufficient positions, the criteria of 18.6.2 shall apply. In a closure, the faculty members of the open programs keep their positions and the faculty of the closed program will be offered the remaining open positions based on licensure and seniority. Usually there are not enough positions and the remaining professional educators are unassigned.
- 18.6.10 On occasion, the District may consider the transfer of a professional educator for reasons other than those set forth in paragraph 18.6.2. The following procedures shall apply when the reason for transfer is due irresolvable differences between the professional educator and the supervisor:
- 18.6.10.1 The supervisor shall hold a conference with the professional educator for the purpose of discussing all the reasons for the perceived need for the transfer. This conference shall be for the purpose of information-sharing and problem-solving and shall not be used as a litigation preparation meeting. The professional educator may respond by making suggestions for addressing the concerns if the professional educator opposes a transfer. If a professional educator objects to the transfer, the professional educator and the supervisor will discuss options to resolve the issue including possible alternative placements.
- 18.6.10.2 The Chief Human Resources Officer shall get involved if it appears the transfer may not be agreed to or if there is need for his/her help in finding a placement. At a minimum, if the issue is not resolved between the supervisor and the professional

educator, the professional educator is entitled to a meeting with the Chief Human Resources Officer.

- 18.6.10.3 If after these discussions the District continues to feel that an involuntary transfer is necessary, and the professional educator continues to refuse, a neutral third-party professional, mutually acceptable by the District and Association, will be contracted by the District to meet with the parties with the goal of resolving the conflict, if possible. The neutral professional will assess whether or not the situation is correctable. The assessment shall not be placed in the personnel file of the professional educator, shall not be used for any personnel decision other than the administrative decision, and will be treated confidentially. If the assessment is that the situation is not correctable with reasonable certainty in a reasonable period of time, the transfer proceeds. If the assessment is that the situation is correctable, the neutral professional will provide a statement of how the supervisor and the professional educator can make correction. With cooperation of the professional educator, the supervisor will make a good faith effort to work out the problem including following the plan provided by the neutral professional. The District shall pay the expense of the neutral professional for up to six (6) hours. If the District and the Association mutually determine it would be necessary, additional hours will be made available.
- 18.6.10.4 By agreeing to participate in this counseling process, the professional educator also agrees not to contest the decision through the use of the grievance process.
- 18.6.10.5 In other types of involuntary administrative transfers under 18.6.1, a professional educator can appeal an administrative transfer to review by the Chief Human Resources Officer who would have to approve the transfer before it can occur.
- 18.6.11 No professional educator shall be transferred for reasons that are arbitrary or capricious. An illustration of an arbitrary and capricious transfer would be one based on union activity. An illustration of an involuntary transfer decision which would not be arbitrary and capricious is a transfer due to a long-standing irresolvable conflict between a professional educator and supervisor. The involuntary transfer could not occur for any reason that would violate any provision(s) of this Agreement.
- 18.7 Professional educators are entitled to have an Association representative present during any meeting with an administrator concerning this process. The professional educator shall be given twenty-four (24) hours advance notice of any such meeting.
- 18.8 If a decision to transfer a professional educator is reversed by an arbitrator, the professional educator shall be reinstated to the building no later than the beginning of the next semester after the arbitration decision.
- 18.9 Job Sharing/Part-Time Work
- Two (2) professional educators in the District, if both are full-time, can request consideration to transfer to an assignment on a job-sharing basis. Establishing or discontinuing job-sharing assignments shall be at the discretion of the building administrator or supervisor. A job-sharing assignment, if established, will continue for that school year unless one of the professional educators resigns. If one professional educator in a job-sharing assignment resigns from the District or transfers, the remaining professional educator shall have the right to be considered for assignment to the position on a full-time basis.
- 18.10 A sub-committee will review the order and flow of this article to make it more sequential and easier to understand. This group would meet after ratification and create a joint proposal of mutually agreed upon changes to send to both PAT and the District for ratification.