

ARTICLE 10: VACANCY/TRANSFER/REASSIGNMENT

10.1 Definitions:

“Vacancy” is any vacated, newly created position, or newly created class which requires the hiring of an additional unit member.

“Transfer” is the movement of a unit member from one work location to another work location at a different site in a vacated bargaining unit position. A transfer may be voluntary (unit member initiated) or involuntary (District initiated).

“Reassignment” is the movement of a unit member from one subject area to another subject area, or one grade level to another grade level, or one track to another track at the same work location. Reassignment may be voluntary (unit member initiated) or involuntary (District initiated).

“Newly Created Position” is a position not previously held by a unit member and which requires a new job description.

10.2 Vacancies:

10.2.1 Notification During Current Year

The District shall deliver to the Association, and post in all schools, a list of vacancies. Said list shall contain:

- 1) A closing date which is at least ten (10) working days following the posting date.
- 2) Qualifications necessary to meet the requirements of the position as appropriate.
- 3) No permanent assignment to fill the vacancy(s) shall be made until after the closing date. Vacancies shall be filled as soon as possible.
- 4) If a Resource Teacher position becomes vacant, the position will be flown District-wide. The applicant will be selected by a panel of school representatives.

10.2.2 Notification for Subsequent Year

- 10.2.2.1 The District shall deliver to the Association, and post in all schools, a list of anticipated vacancies for the

following school year, by May 1 of the current school year.

10.2.2.2 The District shall, upon request by a unit member, notify said unit member during summer recess, or any period of leave, of any posted openings which may arise during these times. The unit member's request shall be in writing and include a mailing address. Any such request shall be renewed every six (6) months.

10.2.2.3 If a unit member already has a transfer application on file, it is not necessary to make a further application in order to be considered for any vacancies for which the unit member may have applied.

10.2.3 The District shall, upon request of the unit member, deliver in writing, the reasons for the unit member not receiving the vacated or newly created position.

10.2.4 No outside applicant shall be selected to fill a vacancy if there is a qualified unit member applicant.

10.2.5 Vacancies shall be filled, whenever possible, as follows: first, by voluntary reassignment; second, by voluntary transfer.

10.2.6 Vacancies filled in accordance with this section shall be subject to the criteria set forth in 10.3.5. This section shall not apply to newly created positions.

10.3 Voluntary Transfer:

10.3.1 Filing Request for Transfer:

A unit member who desires a transfer may file a written statement of intent with the District at any time, whether or not a vacancy exists. A unit member may also submit a request for transfer subsequent to the posting of a vacancy notice. Such statement shall include the grade and/or subject to which the unit member desires to be assigned and the school or schools to which the unit member desires to be transferred (in order of preference). Unit members desiring a transfer for the following year shall file a request, on the form prescribed by the District, to the Human Resources Office by April 15 of the current school year.

10.3.2 If a unit member's request for a voluntary transfer is denied, the unit member shall be granted, upon request, a meeting with the

administrator who denied the request to discuss the reasons for the denial. The unit member may request, and shall receive, written reasons for the denial following said meeting.

10.3.3 If two (2) or more unit members with the appropriate credentials apply for a vacancy, the provisions of Section 10.3.5 shall apply.

10.3.4 If the unit member requests that his/her application for the transfer be kept confidential, the principal at his/her school shall not be notified by Human Resources Office of the application until after an offer of transfer has been made. The matter will be treated as confidentially as practicable.

10.3.5 The District shall use the following criteria to determine voluntary transfers:

- 1) Appropriate credential or state authorization
- 2) Instructional requirements
- 3) Qualifications of the unit member
 - a) Recency of experience
 - b) Recency of training
- 4) Balancing staff because of changes in enrollment, educational program or affirmative action requirements.
- 5) Overall job related teaching skills and compatibility with program needs.

If more than one unit member meets the above criteria, the District shall grant the transfer based upon seniority.

10.4 Involuntary Transfers:

10.4.1 The District shall first seek to fill those vacancies which must be filled by transfer, by means of voluntary transfer. A unit member who is to be transferred involuntarily shall be notified as soon as practical. If a unit member is transferred after September 1, the unit member shall be given at least fifteen (15) days notice; or, three (3) days of substitute assistance. The District, upon request, shall provide assistance in moving materials to the new work location.

The District shall utilize the criteria set forth in Section 10.3.5 for involuntary transfers, in reverse seniority order.

10.4.2 The unit member, upon request, shall be provided a written explanation of the reason a transfer was made.

10.4.3 No involuntary transfer shall be disciplinary or punitive in nature.

10.4.4 If a decrease in the number of students, or the elimination or addition of program(s) and/or funding occurs, the District shall seek volunteers prior to making any involuntary transfer(s).

10.4.5 Unit members from closed schools, or unit members displaced because of educational program changes, shall be accorded priority for filling vacancies that arise for which they have qualified pursuant to Section 10.3.5.

10.4.6 Displaced teachers shall list up to three (3) choices in priority order of school sites/teaching assignments to which they wish to be placed. If not placed in any of the preferred sites/assignments, the teacher shall have priority of vacancies to which he/she is qualified, pursuant to Section 10.3.5, for up to three (3) years following the initial involuntary transfer.

10.5 Reassignment:

10.5.1 A District-initiated change of assignment at the same school may be made by the District as long as the change is not made arbitrarily, capriciously, or without basis in fact.

10.5.2 The unit member, upon request, shall receive a written explanation of the reason a reassignment was made or denied.

10.5.3 No reassignment shall be disciplinary or punitive.

10.6 Notification of Change of Assignment:

The District shall notify unit members of anticipated changes of assignment(s) for the subsequent school year no later than the last working day in May. A unit member shall be notified of any change of assignment(s) initiated after the last working day in June, by certified mail. A unit member desiring a transfer subsequent to said

notification shall be allowed to submit a transfer request
irrespective of the deadline in Section 10.3.1.