

ARTICLE VII  
TRANSFER

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A. DEFINITIONS:

1. Transfer - Movement of a unit member from one district work site to another to fill a position which is declared vacant by the District
2. Voluntary transfer - A transfer requested by the unit member.
3. Involuntary transfer - A transfer initiated by the District.
4. Vacancy - Any vacated, or newly created position.
5. Seniority - First contracted day of paid service.

B. TRANSFERS DURING THE SCHOOL YEAR:

1. Unit members shall not be transferred during a school year except by the provisions relating to imbalanced staffing or for the physical safety of the unit member (as determined by the District).

C. VOLUNTARY TRANSFER

1. A bargaining unit member may file a request for transfer for the following school year with the District personnel office at any time. To be considered for transfer for an ensuing school year, the request must be received by the District prior to the third Friday in May. The request shall list the work site(s), order of preference of multiple sites, and the assignment which the bargaining unit member is interested in, and include a letter of intent delineating the applicable experience and/or training the unit member has in relation to the vacancy.
2. The District shall deliver a list of all vacancies to the Association and post the list on all designated bulletin boards at each site.
3. A list of certificated vacancies for the ensuing year will be published as needed. The publication shall include a closing date, the work location, credential required, grade level if appropriate, and any special qualifications, duties, and responsibilities of the position. It is recognized by the parties that those unit members who are affected by a surplus condition, as provided for in this Article, shall be given the first consideration in accordance with the Education Code when filling these vacancies. No assignment to fill a vacancy shall be made until the closing date.

1                   4.       Upon written request, the District shall notify individual unit members  
2of any posted openings which may arise during the summer recess or periods of leave.

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4                   5.       If any vacancy exists on or before the third Friday in May at any site  
5for which a unit member has requested a transfer, an interview shall be conducted on or  
6before June 1.

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8                   6.       The interview team shall consist of the site or program supervisor, a  
9bargaining unit member from the grade level or program (selected by the grade level or  
10program bargaining unit members at the site), a leadership team member (selected by the  
11leadership team), the Association building representative, and a parent (selected by the site  
12council members).

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14                  7.       The interview team shall reach consensus on approval or disapproval  
15of the request for transfer.

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17                  8.       The interview team shall, upon request of the unit member, state the  
18reasons for the unit member not receiving the transfer to the vacancy.

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20                  9.       Qualifications which must be addressed by the interview team include  
21those qualifications on the vacancy posting. If two or more candidates have the same  
22qualifications, unit member seniority shall determine selection.

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24                  10.       The filing of a voluntary transfer request is without prejudice to the  
25unit member and shall not jeopardize the present work site. A voluntary transfer request may  
26be withdrawn in writing by the unit member at any time prior to the notification that the  
27transfer has been approved.

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29                  11.       After June 1, unit members may apply to the Superintendent for  
30transfer. The unit member shall be interviewed by the Superintendent or designee. The  
31approval or disapproval of the request for transfer shall be made by the Superintendent. The  
32District shall provide notice to all unit members of the time period within which they may  
33file a request for transfer to a new school site. All unit members who make such a transfer  
34request shall be interviewed by the new school principal or the Superintendent (or designee).  
35The interviewer shall approve or disapprove the request for transfer.

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37                  12.       When the District opens a new school, all unit members shall be  
38offered an opportunity to request a transfer to the new school prior to posting district wide  
39transfers. The interview team for a new school shall consist of the site program supervisor,  
40parent of the new site, and an Association appointee. This team shall have the option to  
41appoint up to two (2) additional members by mutual agreement.

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1 E. INVOLUNTARY TRANSFER:

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3 1. Imbalanced Staffing - When enrollment variations occur which create  
4 overstaffing in a school making it necessary to transfer a unit member, the following  
5 procedure (excluding categorical, special education, and bilingual) shall be used:

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7 a. Solicit volunteers for transfer from the site which is  
8 overstaffed.

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10 b. Any prospective volunteer transferees shall be provided due  
11 process by going through the voluntary transfer process outlined in this Article.

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13 c. If there are not volunteers, the unit member with the least  
14 district seniority at the transferring site shall be transferred to the district site where vacancies  
15 exist. In the event that such a transfer is necessary, the unit member will be provided with  
16 three (3) days advance notice, two (2) days of release time to prepare for the transfer, District  
17 assistance for moving, District supplies/equipment, and a qualified substitute teacher to cover  
18 the unit member's class during the transition.

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20 d. In the event there are unit members with the same hire date at a  
21 school site, a representative from the District office and the Association will meet with the  
22 teachers involved. A lottery method will be agreed upon in order to determine the  
23 transferring teacher(s).

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25 e. A unit member who has been involuntarily transferred shall  
26 have the first right to transfer back to any vacancy at the former site for the following school  
27 year. This does not apply to Section D – Superintendent's transfer.

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