

ARTICLE 14: TRANSFER AND REASSIGNMENT

14.1 Definitions

14.1.1 Vacancy: An open position.

14.1.2 Transfer: A relocation of a probationary or permanent unit member from one work location to another work location.

14.1.2.1 Voluntary transfers are initiated at the request of a unit member.

14.1.2.2 Involuntary transfers are initiated by the District.

14.1.3 Reassignment: A relocation of a probationary or permanent unit member within the same school including: (a) a change in classroom location; (b) at the elementary level, any change in grade assignment; or (c) at the secondary level, a change that requires one or more periods in an assignment not included in the previous semester's assignment.

14.1.3.1 Voluntary reassignments are initiated at the request of a unit member to meet a District need.

14.1.3.2 Involuntary reassignments are initiated by the District.

14.1.4 Seniority: Length of District service as determined by the date and time that a unit member signs the District's offer of employment. Seniority for Children's Center unit members shall be determined on a case-by-case basis among the District, the Association, and the affected employees.

14.1.5 Exchange Days: Instruction-free hours or days during the school year which may be exchanged for an equivalent number of hours or days worked outside the school year for the purpose of classroom location changes.

14.1.5.1 Unit members eligible for exchange days shall make an irrevocable selection from among the following options for each exchange day:

a) Credit exchange days toward accrued sick leave. These additional sick leave days shall be treated as all other sick leave days, including availability to be used as personal necessity leave.

b) Receive pay at the "other hourly" rate of pay as per Exhibit F.

c) Schedule the exchange day(s) anytime during the school year the day was earned or the next school year. In order to minimize the impact on their fellow teachers, bargaining unit members are encouraged to schedule exchange days only on Tuesdays, Wednesdays, and Thursdays, and are encouraged to schedule no more than five (5) consecutive exchange days at any one time.

14.1.5.2 The selection by the bargaining unit member shall be made within 30 work days of earning the exchange days.

14.1.5.3 In anticipation of exchange days to be earned, a bargaining unit member shall have the right to use in advance no more exchange days than will be earned for one (1) reassignment or transfer.

14.2 Vacancies

- 14.2.1 Notice of vacancies for the ensuing school year shall be posted as they occur during the spring semester and summer recess at the District office, at each open school site, and mailed to the Burbank Teachers Association office and unit members who have an applicable transfer request on file.
- 14.2.2 Notice of vacancies shall contain the following information: name and/or description of position, duration, location, credential, major and/or minor required, and other special requirements or special considerations. The closing date shall not be less than five (5) workdays following the posting.
- 14.2.3 Vacancies occurring during the school year shall be filled by considering all transfer requests and applications on file or with a long-term substitute. In the event the District fills the position with a long-term substitute, it shall post the vacancy for outside applicants or consider transfer requests not previously on file.
- 14.2.4 An interview committee from the prospective work location, or its designee(s), will interview those unit members and outside applicants requesting to fill a vacancy. Subject to availability, such interview committee shall include unit member(s) from the site in appropriate subject matter or grade level. The selection of unit members for the interview team shall be made by the principal or designee on a fair and equitable basis.
 - 14.2.4.1 Unit members who have a transfer request on file, and who have an appropriate credential or qualifications to obtain the appropriate credential, shall have the right to be interviewed in accordance with Article 14.2.4. Unit members who have interviewed at a specific site within the last nine (9) months shall be interviewed at that site at the discretion of the site principal.

14.3 Transfers

14.3.1 Voluntary Transfers

- 14.3.1.1 Permanent and probationary employees who desire a transfer shall file a "Request for Transfer Form" with the Personnel Department. Unit members requesting transfers shall be considered for vacancies as positions are declared open.
- 14.3.1.2 All transfer requests shall remain on file for consideration until October 31 of each year.
- 14.3.1.3 The filing of a request for transfer is without prejudice and shall not jeopardize the unit member's present assignment.
- 14.3.1.4 A unit member's acceptance of a voluntary transfer is final and the unit member shall not be eligible for another voluntary transfer for the remainder of that school year.
- 14.3.1.5 The criteria for selecting unit members for transfers are credential(s) held, major/minor field of study, teaching experience, interview, professional improvement/renewal, prior evaluations, co/extra curricular assignments, and special requirements of the vacancy. Where the necessary qualifications of the applicants involved are relatively equal, seniority shall be the determining factor.

- 14.3.1.6 A transfer cannot be denied for arbitrary and/or capricious reasons. The unit member, upon request, shall be provided with the specific reasons in writing for the denial.
- 14.3.1.7 For transfers which occur during the school year, unit members shall receive no fewer than two (2) instruction-free days prior to beginning the new assignment.
- 14.3.1.8 For transfers which occur prior to the beginning of the new school year, unit members are eligible to receive two (2) exchange days.
- 14.3.1.9 The District shall offer to assist the unit member in moving equipment and/or materials.

14.3.2 Involuntary Transfers

- 14.3.2.1 The District shall not involuntarily transfer a unit member for arbitrary and/or capricious reasons.
- 14.3.2.2 When a reduction in the number of employees at a school site is necessary, volunteers shall first be given an opportunity to be considered for transfer to known vacant positions under the following provisions:
 - a) If two or more unit members volunteer to transfer, the criteria for selecting the transferee are credential(s) held, major/minor field of study, teaching experience, professional improvement/renewal, prior evaluations, co/extra curricular assignments, and special requirements of the vacancy. Where the necessary qualifications of the applicants involved are relatively equal, seniority shall be the determining factor.
 - 1. When seniority is the determining factor between two or more volunteers, the principal shall meet with the person(s) (individually) with the most seniority and give them the option of transferring.
 - b) If no volunteers are forthcoming, the unit member with the least seniority, based upon program needs and credentials, shall be involuntarily transferred.
- 14.3.2.2.1 A unit member involuntarily transferred as a result of staff reductions shall have the right to return to his/her initial school site if: 1) during that school year or by the end of the second week of the next school year a vacancy occurs at that site; and 2) the vacant position is one for which the unit member is qualified by way of credential.
- 14.3.2.2.2 No unit member shall be involuntarily transferred, due to enrollment changes more than once within two consecutive school years.
- 14.3.2.3 The principal shall confer with the unit member well in advance (thirty (30) work days when possible) of the time a transfer is recommended. Reasons for the impending transfer shall be

- provided, in writing, to the unit member.
- 14.3.2.4 If selected for an involuntary transfer for the next school year, the unit member shall be given the opportunity to indicate a preference in placement where a vacancy exists. The unit member is permitted to decline an assignment, and defer being assigned to another school, in order to seek other positions which may open up during the summer. Any assignment so declined may not be reserved for the unit member, and, if the unit member has not accepted a position by August 15, he or she shall be subject to assignment at the discretion of the District. Once the assignment is made, the unit member shall not be eligible to request a change in that assignment for the remainder of the school year.
 - 14.3.2.5 During the first semester of an involuntary transfer at the secondary level, the District will attempt to avoid assigning the teacher to a position which involves more than three (3) different preparations.
 - 14.3.2.6 Unit members who are involuntarily transferred during the school year shall have no fewer than two (2) instruction-free days prior to beginning the new assignment.
 - 14.3.2.7 Unit members involuntarily transferred prior to the beginning of the new school year are eligible to receive two (2) exchange days.
 - 14.3.2.8 The District shall offer to assist the unit member in moving equipment and/or materials.
 - 14.3.2.9 If the unit member and the District agree it is necessary, the District will provide inservice training prior to or following the teacher's transfer. If a college or university course is deemed by the unit member and the District to be helpful in the new position, the tuition will be paid by the District.
 - 14.3.2.10 A unit member being involuntarily transferred shall be given priority in placement over any voluntary transfer requests and outside applicants provided the unit member holds the appropriate credential.

14.4 Reassignments

14.4.1 Voluntary Reassignments

- 14.4.1.1 Unit members shall have the opportunity to apply for reassignment for the next semester or school year. Requests for reassignment shall be honored, when the proposed change offers advantages to the students, the school, and the unit members concerned. On site unit members shall be given first consideration for filling teaching vacancies in accordance with criteria established in 14.3.2.2.
- 14.4.1.2 For reassignments which occur during the school year, the District shall provide whatever released time (if any) is considered reasonable and necessary for the purpose of preparation. In no case shall such released time, which involves a classroom location change, be less than two (2) school days.

- 14.4.1.3 Unit members reassigned to a different classroom location prior to the beginning of the new school year are eligible to receive two (2) exchange days.
- 14.4.1.4 A reassignment request cannot be denied for arbitrary and/or capricious reasons.
- 14.4.1.5 The District shall offer to assist the unit member in moving equipment and/or materials.

14.4.2 Involuntary Reassignments

- 14.4.2.1 The District shall not involuntarily reassign a unit member for arbitrary and/or capricious reasons.
- 14.4.2.2 The District may seek volunteers from within the site prior to making an involuntary reassignment. If two or more unit members volunteer to be reassigned, refer to selection criteria established in 14.3.2.2 (a). If possible, no unit member shall be involuntarily reassigned, due to enrollment changes, more than once within two consecutive school years.
- 14.4.2.3 A conference shall be held with the unit member outlining the specific reasons for the reassignment and, upon request, rationale in writing shall be provided the unit member.
- 14.4.2.4 For involuntary reassignments which occur during the school year, the District shall provide whatever released time (if any) is considered reasonable and necessary for the purpose of preparation. In no case shall such released time, which involves a classroom location change, be less than two school days.
- 14.4.2.5 Unit members involuntarily reassigned to a different classroom location prior to the beginning of the new school year are eligible to receive:
 - a) At the elementary level: two (2) exchange days. However, if a classroom location change is a result of construction, unit members are eligible to receive three (3) exchange days.
 - b) At the secondary level: two (2) exchange days. However, if a classroom location change is a result of construction, and a unit member is full time in one classroom, the unit member is eligible to receive three (3) exchange days.
- 14.4.2.6 The District shall offer to assist the unit member in moving equipment and/or materials.