

PERSONNEL COMMISSION RULES & REGULATIONS

60.200 PCRR

60.200 Change in Position and Class**60.200.1** **Transfer**

As provided for in California Education Code, Section 45260 (Effective January 1, 1982), this section of the Personnel Commission Rules and Regulations may not be applicable to members of a/the bargaining unit for classified employees. Members of a/the bargaining unit for classified employees should refer to the collective bargaining agreement with regard to this subject matter.

A. Miscellaneous Positions

1. The District shall post at each work location known vacancies as they occur. Such vacancies shall be posted for not less than five (5) working days.

For purposes of this rule, a vacancy shall occur when a new position is created or an existing position becomes vacant, there is a change regarding receipt of a differential or stipend, reclassification (if the incumbent has served less than three years in the position prior to reclassification) or change in the number of hours per day or year.

2. No posted vacancy shall be permanently filled through these procedures or by use of a properly certified eligibility list, reinstatement, or reemployment list until ten (10) working days after the notice of vacancy has been posted.
3. Transfers shall be made without a change in salary rate, anniversary date, accumulated illness leave, or accumulated vacation credit.
4. The Personnel Commission shall determine whether or not classes are sufficiently related to permit transfer between them. In making the determination, consideration shall be given to such factors as similarity of duties, minimum qualifications, examination content, occupational and promotional field. In general, more latitude in transfers will be permitted.
 - (a) As the employee's seniority in the classified service increases.
 - (b) When the transfer request is based upon reclassification, impending layoff, or for reasons of health.
 - (c) When the employee meets the minimum qualification requirements for the class.
5. A permanent employee who transfers to a position in a class in which he/she has not previously completed a probationary period shall be considered probationary in that class for a period of eighty-eight (88) days of paid service (4 months). At any time during this probation, the employee may be returned (transferred) to his/her former class without right of appeal. However, if such transfer to the former class would result in a layoff, demotion, or reduction in assigned time, the employee may appeal such action in the same manner as any other permanent classified employee (as provided in Personnel Commission Rule 60.100.3).
6. Transfers shall have the following effect on seniority:

- (a) No effect upon seniority where both positions are within the same class.
 - (b) Where the transfer is to a position in another class, the employee shall not receive seniority in the new class for service in the former class(es). However, the employee shall retain his/her seniority in the former class as well as his/her total seniority with the District. Seniority in the new class shall commence with the employee's first day of paid service in the new class.
7. A transfer shall not be used as a device for altering the effects of impending layoff, except as provided for elsewhere in these Rules and Regulations.

B. Voluntary Transfers

An employee may be considered for transfer at his/her request to any vacant position in the same class, or into a position in similar or related class with the same salary range (as determined by the Personnel Commission) if no reemployment list exists for the class or a voluntary demotion from his/her current class to a classification for which he/she qualified with a lower maximum salary rate if no reemployment list exists for the class (as determined by the Personnel Commission) in accordance with the provisions of these Rules and Regulations.

1. The employee may request a transfer to a vacant position by submitting a request to transfer to the Classified Personnel Office within the five (5) day posting period (PCRR 60.200.1A1).

If a transfer request is received after the posting period, the request will not be approved if any other transfer requests were received within the posting period. If a transfer request is received after the posting period and no other requests were received, the transfer candidate will be considered along with eligibles from an eligibility list. Appointment shall be at the discretion of the appointing authority without consideration for seniority.

Consideration shall be given to all requests for transfer which are properly submitted.

2. Whenever more than one employee files a transfer request with the Classified Personnel Director for transfer to the same vacant position, the transfer candidates will be listed in rank order on the basis of seniority.
 - a. The Classified Personnel Director shall certify and submit to the appropriate administrator or supervisor the names on the list (in order of seniority) who are qualified for transfer consideration.
 - b. Whenever the administrator or supervisor determines that at least two (2) of the transfer candidates are substantially equal in qualifications, the classified employee with the greater seniority shall be selected to fill the position.

The following factors shall be considered in evaluating transfer applicants: education and training; work experience in the same or related field; work related personal attributes; and specific needs of the District for the particular position.

Transfer applicants who received an overall rating of less than satisfactory on their last evaluation shall not be eligible for transfer unless the District elects to waive

this provision. If the last evaluation was dated more than sixty (60) working days prior to his/her consideration for transfer, the employee may request an updated evaluation.

Subsection B.3 shall not apply to classified management positions or classified positions designated "confidential."

C. Involuntary Transfers

1. A classified employee may be transferred for the good of the District at the discretion of the District provided that such action shall not be taken for arbitrary or capricious reasons.
2. Any classified employee affected by an involuntary transfer shall be given notice of such transfer as soon as possible.
3. In cases involving involuntary transfer, the reasons for such transfer shall be discussed in detail with the affected employee(s) by the employee's immediate supervisor. The employee shall have right of representation.
4. In multi-involuntary transfers, the most senior employee shall have preference.

60.200.2 Demotions

- A. A permanent employee may request voluntary demotion to a class with a lower maximum salary rate through the transfer process.
- B. Voluntary demotion is a privilege available to a probationary employee only in cases when he would otherwise be laid off for lack of work or lack of funds.
- C. Involuntary demotion is a disciplinary action for cause and is subject to the pertinent rules and procedures.

60.200.3 Restorations

- A. A former permanent employee who has resigned in good standing may be reinstated to a vacant position in his former class and status within 39 months of the last date of paid service. Also, he may be reemployed to a vacant position in a lower related class, if qualified, or in limited term status in the same or lower class. Such actions are discretionary with the appointing authority. (*Education Code 45309*)
- B. An employee who has taken a voluntary demotion may be restored to a vacant position in his former class or to a vacant position in a related lower class, as determined by the commission, within 39 months. Except when demotion was chosen in lieu of layoff, restoration is discretionary with the appointing authority. (*Education Code 45298 and 45308*)
- C. An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, abolishment or reclassification of his/her position, has the right to be reemployed, in accordance with his/her seniority in a vacant position in his/her former class within 39 months after demotion and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which they qualified for appointment to the class shall still apply. Intervening reassignments to other classes shall not abrogate that right. (*Education Code 45298 and 45308*)
- D. Reinstatement or reemployment of a former employee shall have the following effects:

1. Restoration to the former step in the salary range for the class, or if reemployed in a lower class, to the rate closest to that of the step to which he would be assigned if he were reinstated to his former class.
2. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of separation.
3. Restoration of former anniversary date, deducting time away from the district and without step-advancement credit for the off-duty period.

60.200.4 Increases in Assigned Time

- A. Part-time employee whose assignment time is increased an average of thirty (30) minutes or more per day for twenty (20) consecutive days shall have his/her regular assignment adjusted upward to reflect the change in assigned time in order to acquire benefits (vacation, sick, and holiday pay). Such changes will be effective beginning on the twenty-first (21st) day.
- B. When an existing position is assigned an increase in time, the position so increased shall be considered "vacant" for the purpose of this rule.

Oxnard School District

Personnel Commission Rules & Regulations

Adopted: October 23, 1968

60.200 Revised: January 7, 1982; May 7, 1992

60.200.1 Revised: November, 1972; February 10, 1981; February 14, 1990; May 7, 1992

60.200.2 Revised: May 7, 1992

60.200.3 Revised: May 7, 1992

60.200.4 Revised: May 7, 1992

[Back to Index](#)