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**ARTICLE 15: VACANCIES, TRANSFERS, VOLUNTARY DEMOTIONS, IN HOUSE OR PROMOTIONAL ONLY RECRUITMENTS**

- 15.1 **POSTING OF VACANCIES.** Notice of all job vacancies within the bargaining unit shall be posted on the District employment bulletin boards at currently designated posting locations. Closed transfer and "In-House or Promotional Only" recruitment notices shall be sent out to all unit members in a timely manner.
- 15.1.1 The job vacancy notice shall remain posted for a period of ten (10) full working days, during which time unit members may file for the vacancy.
- 15.1.2 **NOTICE CONTENTS.** The job vacancy notice shall include: the job title, a brief description of the position and duties, the minimum qualifications required for the position, the assigned job site, the number of hours per week, and months per year assigned to the position, the salary range, and the deadline for filing to fill the vacancy.
- 15.1.3 **FILING.** Any unit member may file for the vacancy by submitting written notice to the Human Resources Office within the filing period. Any unit member on leave or vacation may authorize his/her job representative to file on the unit member's behalf.
- 15.1.4 **NOTIFICATION.** Unit members who apply for transfer, voluntary demotions, or "In-House or Promotional Only" recruitments shall be notified in writing whether they were or were not selected.
- 15.2 **INVOLUNTARY TRANSFERS.** Transfer of bargaining unit members may be initiated by the administration at any time whenever such transfer is in the best interest of the DISTRICT as determined by the administration. The unit member transferred shall be given seven (7) days notice, absent emergency circumstance. If requested by the unit member, a conference will be held between the appropriate administrator and the unit member in order to discuss the reasons for the transfer. A transfer under this section shall be considered permanent. Therefore, no additional probationary period shall be required.
- 15.3 **VOLUNTARY TRANSFERS.** For purposes of this section the term transfer shall mean a lateral movement within the job classification from one (1) work position or station to another work position or station in the DISTRICT.
- 15.3.1 Permanent unit members are eligible to apply for a voluntary transfer if he/she is presently within the same classification, has previously served in that classification in the DISTRICT, or is applying for a voluntary demotion.
- 15.3.2 Requests from regular unit members seeking transfers shall be considered by the selecting administrator. Considerations shall include hire date, seniority within the present classification of the employee, skills, abilities, job performance, suitability, and requirements of the vacant position.
- 15.3.3 Where the application(s) for voluntary transfer, voluntary demotion, or "In-House or Promotional Only" recruitment is not granted, the vacancy will be announced publicly.
- 15.3.4 A mutual transfer may be accomplished between two (2) unit members of classifications in which both are qualified. A mutual transfer must be made upon agreements of both supervisors and with the concurrence of the President(s) and/or Chancellor.
- 15.3.5 An approved transfer resulting from the request of a unit member shall be considered permanent. Therefore, no additional probationary period shall be required.
- 15.3.6 **VOLUNTARY DEMOTIONS.** A permanent unit member transferring within the classification or taking a voluntary demotion shall retain his/her old anniversary date and

seniority rights. Unit members requesting a voluntary demotion to a lower classification shall be given preference over other applicants with equal or lesser qualifications.

If the position from which a unit member took a demotional transfer is again vacant, that unit member will be given preference over other applicants with equal or lesser qualifications in filling the former position. This section shall be superseded by the provisions in Article 9, Layoff and Reemployment when applicable. (See Article 7.14)

- 15.4 **"IN-HOUSE OR PROMOTIONAL ONLY" RECRUITMENTS.** "In-House or Promotional Only" recruitment shall be used (1) when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment which shall not exceed one (1) year; (2) when there is a reorganization that does not result in a net increase in the number of employees; (3) when there is a closed transfer. For the purposes of this section, a closed transfer is defined as one or more lateral transfers when there is no net increase in the number of employees;

15.4.1 Any unit member may apply concurrently on an "In House or Promotional Only" basis for any position announced under the voluntary transfer policy. Such application will not be considered until voluntary transfer and voluntary demotion applicants have been reviewed. A selection process, as outlined in Section 53021 of the California Code of Regulations and Education Code 87100, will be used to address any "In House or Promotional Only" requests.

- 15.5 **MEDICAL TRANSFERS.** The DISTRICT may assign a unit member to another position in cases where the unit member is medically unable to assume his/her regular duties.

- 15.6 **SUBSTITUTE EMPLOYEES.** The DISTRICT may employ a substitute employee pursuant to Education Code 88003 to replace any classified employee who is temporarily absent from duty.

If the DISTRICT is engaged in recruiting a permanent employee to fill a vacancy in any classified position, the Governing Board may fill the vacancy through such employment for not more than sixty (60) calendar days.

## ARTICLE 16: PERSONNEL

- 16.1 **CLASSIFICATION.** The DISTRICT may create new classifications and fix duties, responsibilities, and assignments for such classifications, or reclassify or abolish positions as long as any such action is not inconsistent with other provisions in this Article or Agreement. Except by mutual agreement, the DISTRICT shall notify the ASSOCIATION in writing ten (10) working days prior to the board calendaring of an agenda item of any new classification or the abolition of a classification. Upon receipt by the ASSOCIATION of the DISTRICT'S written notice, the ASSOCIATION shall notify the DISTRICT in writing within ten (10) working days, its intent to negotiate the classification, titles, or abolition of the classification.
- 16.1.2 The District will notify CSEA in writing within five (5) working days, notice of reorganization of classified position(s) at the colleges or district sites. Upon receipt by the ASSOCIATION of the DISTRICT'S written notice, the ASSOCIATION shall notify the DISTRICT in writing within five (5) working days, its intent to negotiate effects of such reorganization.
- 16.2 **PERSONNEL FILES.** The personnel file of each unit member shall be maintained at a single location determined by the DISTRICT. No disciplinary action based upon written materials shall be taken against a unit member unless such written materials are included in the unit member's personnel file.
- 16.2.1 Any supervisor or other administrator who writes and places into the personnel file a written evaluation, other than the regular employee evaluation as defined in Article 13, or memorandum relating to a unit member's job performance shall sign and date such evaluation memorandum. The unit member shall be provided with copies of any derogatory written material five (5) workdays before it is placed in the personnel file. During this five-day period, the unit member shall be given an opportunity during normal working hours to initial and date the material and to prepare a written response to such material. The written response shall be attached to the material.
- 16.2.2 Unit members may review material in their personnel files which serve as a basis for affecting the status of their employment, except the following material shall not be available for inspection: (1) Ratings, reports, or records which were obtained prior to employment of the unit member; (2) Material prepared by identifiable examination committee members; or (3) Materials obtained in connection with a promotional examination.
- 16.2.3 Unit members shall have the right to inspect the contents of their personnel files upon request, provided the request is made at a time when such person is not actually required to render services to the DISTRICT.
- 16.2.4 The DISTRICT shall maintain a log within each unit member's personnel file indicating the persons (other than employees in the Human Resources Office) who have examined the file and the date of such examination. The log and the unit member's personnel file shall also be available to the appropriate CSEA representative with written authorization of the unit member where disciplinary action is pending against, or a grievance has been filed by the unit member. Such examination by the employee or CSEA representative shall conform to the parameters set forth under Section 16.2.2.
- 16.2.5 Upon written authorization of the unit member, an ASSOCIATION representative may review the unit member's permanent personnel file. An ASSOCIATION representative may accompany any unit member in the review of that member's file.