

**Article 14 FILLING VACANT POSITIONS**

**§ 14.1 Definitions**

**§ 14.1.1** A “transfer” is a move from one (1) work location or department to another work location or department in the District within the same job classification, or a job classification at the same, or lower salary range.

**§ 14.1.2** A “promotion” is a change in the assignment of a unit member from one position in one (1) class to a vacant position in another class with a higher maximum salary rate and a higher grade.

**§ 14.1.3** Any permanent regular classified unit member may use the Transfer/Promotion process to apply for any additional or new position(s) so long as the unit member meets minimum qualifications or the equivalent for the new position and the total combined full-time equivalent (FTE) of additional positions does not exceed 1.0. Unit members may also increase their time base (i.e., work year) through transfer or promotion.

**§ 14.2 Eligibility**

**§ 14.2.1** Any permanent employee may request consideration for transfer or promotion. The employee must also meet the minimum qualifications (or equivalent) for the position for which he/she is transferring or promoting.

**§ 14.3 Applying for Transfer or Promotion**

**§ 14.3.1** When a new position is created, or an existing position becomes vacant, the District shall first offer the opportunity for transfer or promotion to qualified unit members prior to an open recruitment.

**§ 14.3.2** The District’s Human Resources Department will maintain an electronic message system that will have a current recording of vacant classified positions. This message system will be accessible twenty-four (24) hours a day through the college telephone system. This message can be reviewed by calling the Human Resources Department Transfer/Promotion line at x4999, then x4957. Vacant positions will be listed on the recorded message for a minimum of five (5) working days. Positions will also be posted on the HR section of the college’s website. These postings will include a brief description of the position and will allow candidates to download the necessary forms to apply for the position.

**Article 14 FILLING VACANT POSITIONS (Continued)**

**§ 14.3 Applying for Transfer or Promotion (Continued)**

**§ 14.3.3** Unit members wishing to apply for transfer or promotion must complete a Transfer/Promotion Request Form identifying the position on the recorded message and/or Human Resources website for which they wish to be considered. This form, along with any other required materials specified in the posting, must be submitted no later than when the position is removed from the recording. Transfer/Promotion Request Forms shall be submitted to the Human Resources Department (Appendix C).

Employees meeting the prescribed criteria and minimum qualifications or the equivalent as determined by Human Resources shall be eligible to interview for the position. Interviews will be held within a reasonable period of time after the position is removed from the Transfer/Promotion Line.

**§ 14.3.4** Unit members who are not selected for transfer or promotion may, in writing, request the reason(s) for rejection from the Human Resources Department. The Human Resources Department shall respond to such request in a reasonable period of time.

**§ 14.3.5** Requests for Transfer or Promotion shall not be accepted once recruitment procedures have begun.

Unit members who do not submit a Transfer/Promotion Request Form within the designated time period must compete for the position through the open recruitment process.

**§ 14.3.6** Unit members who are offered the position, will advise his/her supervisor of his/her decision to accept the new position within twenty-four (24) hours.

**§ 14.4 Selection for Transfer or Promotion**

**§ 14.4.1** Final decision on selection to fill vacancies shall be within the sole discretion of the District. Selections shall be made on the basis of merit, including, but not limited to, such factors as skills, knowledge, personal qualifications, and potential for growth. In considering unit members for transfer or promotion, attention shall be given to past evaluations, reference checks, experience and knowledge of the District's personnel, students, policies and procedures.

**Article 14 FILLING VACANT POSITIONS (Continued)**

**§ 14.5 Failure to Complete the Probationary Period in a New Position**

**§ 14.5.1** Unit members who assume any new permanent assignment will be subject to a regular, 6-month probationary period regardless of whether or not this new assignment is considered a promotion, demotion (i.e., voluntary, non-disciplinary), or is in the same classification as their former classification. If a unit member fails probation and if that unit member's former position is currently filled, a comparable job in his/her former classification (and former FTE and work year) will be found. If no position in that classification exists, the unit member may be temporarily assigned to a job in a lower classification with no loss of pay or status. At the District's discretion, the unit member may be temporarily assigned to a position in a higher classification for which he/she meets minimum qualifications or the equivalent until a suitable vacancy in the original classification occurs.

**§ 14.5.2** Notwithstanding Article 14.5.1, the District retains at all times the right to discipline employees for reasonable cause in accordance with Article 21.5. Normally, the District will not move to formal discipline (i.e., suspension, demotion, termination) for mere incompetence or inefficiency in the performance of one's duties (Article 21.5.1.8) until such time as the employee has failed two consecutive probationary periods.

**§ 14.6 District-Initiated Transfer**

**§ 14.6.1** A District-initiated transfer may become necessary to meet administrative needs, economic necessity, operational efficiency, and other reasons including, but not limited to, meeting the requirements of the District's total operational programs.

**§ 14.6.2** A unit member who is the subject of a District-initiated transfer shall have an opportunity to indicate a preference from a list of vacancies, if applicable, and the District shall consider the unit member's preference from the list of vacancies in making the transfer.

**§ 14.6.3** No District-initiated transfer shall be arbitrary, capricious, discriminatory, or a substitute for discipline.

**§ 14.6.4** As much advance notice as is reasonably possible will be given to the unit member. In general, the unit member to be transferred shall be given at least ten (10) work days advance notice and reason(s) for the impending transfer. This notice shall be in writing.

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**§ 14.6 District-Initiated Transfer (Continued)**

**§ 14.6.5** A District-initiated transfer shall not result in the loss of seniority, longevity increment, or any health and welfare benefits for the unit member.

**§ 14.6.6** A District-initiated transfer which would necessitate lowering of the unit member's salary range will result in the unit member's salary being Y-rated until such time as his/her current salary is at least equivalent to that of the position to which he/she has been involuntarily transferred.

**§ 14.7 Posting of Vacancy Notice For Outside Recruitments**

**§ 14.7.1** Notice of all job vacancies within the bargaining unit shall be posted on bulletin boards in prominent locations at each District job site and on the District's website.

**§ 14.8 Filing**

**§ 14.8.1** Any eligible unit member in the bargaining unit may file for the vacancy by submitting a District application form and other required materials to the Human Resources Department within the filing period.

**§ 14.9 Notice Contents**

**§ 14.9.1** 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 day, regular assigned work shift times, days per week and months per year assigned to the position, the salary range and the deadline for filing to fill the vacancy.

**§ 14.10 Advancement**

**§ 14.10.1** Unit members are encouraged by the District to seek advancement and will be given individual assistance by the Human Resources Department in identifying District-related occupational opportunities.

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**§ 14.11 Reinstatement after Resignation**

**§ 14.11.1** A classified employee who voluntarily resigns from his or her regular classified position and who is in good standing prior to resigning, and is subsequently reemployed by the District, shall have his/her former rate of vacation accrual reinstated provided they meet the following criteria:

1. The reemployment is within 18 months after the employee's last day of paid service.
2. The new position is in his or her former classification, or in a related lower class, or a lower class in which the employee formerly had regular status.
3. "Good Standing" means that the employee voluntarily separated from the District by means other than through termination, or resignation in lieu of termination.

**§ 14.11.2** If a classified employee meets the criteria in 14.11.1 the District shall disregard (i.e. not include) the break in service and reinstate the employee's former rate of vacation accrual. The District shall also count the years of prior service towards eligibility for the stipend either as a Regular Retiree or as a participant in the Early Retirement Option (ERO), however the years of prior service will not count toward seniority.

**§ 14.11.3** The provisions of Sections 14.11.1 and 14.11.2 will apply to employees currently employed with the District who have had a break in service of not more than 18 months, and there will be no other retroactivity. The effective date for the change in rate of vacation accrual will be January 1, 2008.

**§ 14.12 Positions Designated as Bilingual**

**§ 14.12.1** The District will not designate bargaining unit positions as bilingual (either required or preferred) without written notice and an opportunity to meet and discuss with SEIU.

**§ 14.13 Classified Interview Committees**

**§ 14.13.1** A classified interview committee will be formed for all transfer/promotion and external recruitments.

**Article 14 FILLING VACANT POSITIONS (Continued)**

**§ 14.13 Classified Interview Committees (Continued)**

**§ 14.13.2** The same committee that is formed for a transfer/promotion recruitment may be used for the external recruitment if the position is not filled by transfer/promotion.

**§ 14.13.3** A classified interview committee shall be comprised of no fewer than three (3) members. The membership shall include the area supervisor and/or department chair or designated administrator to serve as Committee Chair and at least two (2) classified employees appointed by SEIU, at least one of whom should be from the department in which the vacancy exists or from a related department, discipline or position. The Committee Chair may invite the participation of additional management or faculty who are subject experts in the area. All search committee members will be voting members.