

## **Article 13 TRANSFER**

### **A. Definitions.**

1. Transfer. A change of assignment of a unit employee at the unit employee's request or initiative.
2. Assignment. The particular position at or from a particular work location (or work site) as determined by the Employer.
3. Reassignment. A permanent change of a unit employee's assignment made by the Appointing Authority at the Appointing Authority's initiative.
4. Vacancy. A permanent position which the Appointing Authority is seeking to fill. A position from which a unit employee has been laid off is not a vacancy.

### **B. Right of Assignment.** The Appointing Authority shall have the right and responsibility to assign and reassign unit employees in accordance with departmental needs.

### **C. Transfer.** In order to enable unit employees to be considered for vacancies the Appointing Authority intends to fill, the Appointing Authority shall establish vacancy transfer lists in accordance with the provisions specified below.

1. Transfer List. Unit employees shall be entitled to have their names placed on the vacancy transfer list by notifying the Personnel Office in writing during the months of May and November. All such requests must be made in accordance with departmental procedures. The list compiled as a result of the requests received in May shall become effective on July 1 and remain in effect through December 31. The list compiled as a result of the requests received in November shall become effective on January 1 and remain in effect through June 30.
2. Transfer lists shall be maintained by county or division within a county, if applicable. Unit employees may make themselves available for transfer to up to five (5) counties. If a unit employee declines a transfer to a county which he/she has requested after being interviewed for a position, the Appointing Authority may remove such unit employee from the transfer list for that county. A unit employee may at any time remove his/her name from a transfer list by written notice to the Appointing Authority.
3. When the Appointing Authority intends to fill a permanent vacancy, it is agreed that the Employer will select one of the three most senior journey level members from the transfer list to fill the initial vacancy. An initial vacancy is defined as a newly established position or a vacant position where the prior incumbent was separated or promoted. If less than three

names appear on the list then the Employer may supplement the list. If less than three names appear on the transfer list, then those remaining employees will be guaranteed an interview. If more than three names appear on the transfer list and one or more employee(s) voluntarily removes his/her name from consideration, or is not considered as provided in Section C(4) below, the Employer will select one of the three most senior journey level members remaining on the list. This process is only for vacancies at the journey level, with the exception of the Departments listed and set forth below, and only refers to the initial vacancy. The parties agree that in the Department of State Police this process is only for vacancies at the 12 level.

In the Department of State Police, the parties further agree that where a position requires court testimony as an expert witness as an element of the job, the unit employee must possess the education, experience and training to be recognized by a court as an expert witness in the specialty area of the position.

In the Department of Agriculture, the parties agree that this process is also available for employees at the 12 level to transfer to a 12 level vacancy in the same classification, in the same program and in the same division of the department.

In the Department of Community Health, the parties agree that this process is also available for Pharmacists at the 12 level to transfer to a vacancy at the 12 level in the same department.

In the Department of Corrections, the parties agree that this process is also available for Pharmacists at the 12 level to transfer to a vacancy at the 12 level in the same department.

In the Department of Environmental Quality, the parties agree that this process is also available for employees at the 12 level to transfer to a vacancy at the 12 level as specifically stated below:

Air Quality Division – same classification within the division;

Environmental Sciences and Services Division – senior worker to senior worker in the same classification within the division;

Geological Land Management Division – Geologists within the division;  
and,

Remediation and Redevelopment Division -- in the same classification within field operations within the division; transfer is not available to 12 level Toxicologists.

In the Department of Labor and Economic Growth, the parties agree that this process is available for employees at the 12 level to transfer to a 12 level vacancy in the same classification within the MIOSHA program or within the same division of the department.

In the Department of Management and Budget, the parties agree that this process is also available for Building Construction Project superintendents at the 12 level to transfer to a vacancy at the 12 level in the same department.

In the Department of Military and Veterans Affairs, the parties agree that this process is also available for employees at the 12 level to transfer to a vacancy at the 12 level in the same classification, and in the same program area of the department.

In the Department of Natural Resources, the parties agree that this process is only available for employees at the 12 level to transfer to a vacancy at the 12 level as specifically stated below:

Licensed Land Surveyors within the same division;

Landscape Designers within the same division;

Senior Worker Fisheries Biologists in the same program area within the same division; and,

Forest Management Analysts in the forest resource management program areas may transfer within the disciplines in this section.

In the Department of Transportation, the parties agree that this process is only available for employees at the 12 level to transfer to a vacancy at the 12 level as specifically stated below:

Architects in the same support (program) area and within the same division; and,

Licensed Land Surveyors and Transportation Engineers in the same specialty (program) area.

4. Exceptions. The Employer shall not be required to consider any of the following employees for transfer from a transfer list:
  - a. An initial or continuing probationary employee;
  - b. An employee with a less than satisfactory interim rating in effect;

- c. An employee who has transferred from a transfer list within the last 6 months.
5. Hardship Transfers. Hardship transfers to another county may be granted, if certified by the Union, if a legitimate hardship exists and if the transfer would not impair the operational effectiveness of the Department. For purposes of this Section, hardship means the health condition of the employee or a member of employee's immediate family, as defined in Article 22-B.1, requiring the employee's presence in another county for an extended period of time. There must be an existing vacancy which the Department intends to fill to which the employee is being transferred. Relocation expenses are not paid for hardship transfers.

All hardship transfer requests shall be in writing and set forth the circumstances of the request. The Union agrees that approval or disapproval of hardship requests shall not be grievable beyond Step Two of the grievance procedure.

6. The Appointing Authority shall not pay relocation expenses when the Appointing Authority fills the vacancy from the transfer list.
  7. The provisions of this Section shall apply only to transfers between positions at the unit employee's current class and level and positions within the unit employee's current Department.
  8. Upon request of either party, the parties agree to meet and resolve any issues that arise.
- D. Reassignments to Avoid Layoffs. If the Employer plans to reassign Bargaining Unit employees to avoid the necessity of layoffs, at least ten days prior to any such reassignments, the Employer shall publish a list of positions within the affected division(s) into which employees will be reassigned for the review of the affected employees. A copy of the list will be sent to the Union within three days of publication. Interested affected Bargaining Unit employees in the affected division shall have five days to submit their names for consideration. The Employer will take any responses into consideration if such reassignments take place.