

ARTICLE X -- TRANSFER, LAYOFF, AND RECALL

Section 1. Transfer

- A. Transfer, defined, is a change in assigned position involving a change in location (different location code), or a change in job (different job code and job title), or both. Transfer to a position having a higher grade or higher pay rate is considered a promotion and shall be compensated as such.
- B. A permanent employee may apply for a transfer by completing and submitting the form designated for that purpose by the Division of Non-Instructional Staffing. The employee must indicate the job(s) desired by job code(s) (at least one and a maximum of five) and specify the location(s) desired by location code(s) (at least one and a maximum of five). If the request is based on hardship (as determined by management), documentation of the hardship must be attached. The employee and his/her supervisor must sign and date the application; the supervisor's signature indicates awareness of the application; it does not indicate approval or disapproval. The employee will provide a copy to the supervisor.
- C. A properly completed transfer application submitted by an employee qualified for the job(s) desired will be maintained in active status by the Division of Non-Instructional Staffing for one year from the date of receipt or until the employee changes job code or location, whichever occurs first.
- D. The Division of Non-Instructional Staffing will review the transfer application to insure completeness, qualification for the job(s) desired, and, if applicable, the existence of the hardship. The Division of Non-Instructional Staffing will inform the employee if anything additional is needed to complete the application, to attain qualification, or to confirm hardship.
- E. When a vacant or projected vacant position is to be filled, the Division of Non-Instructional Staffing will refer all qualified transfer applications for such a position and location to the appropriate work-site supervisor for consideration. Applicants having a confirmed hardship will receive first consideration. The current pay status of the employee will not be a determining factor in accepting or rejecting an applicant. Job vacancies for which unit members of this bargaining unit are eligible to apply will be posted at each work location for a period of one week. Electronic mail may be utilized for this purpose provided that the vacancy is also advertised in the Weekly Reader.
- F. A qualified and eligible unit member in a part-time position, for 90 days or more, who applies for a vacancy at his/her work location that would result in full-time employment, shall be given consideration for appointment. In the event the work location supervising administrator determines that the vacancy will be filled by a current part-time employee, with concurrent notification to the Union, he/she is authorized to waive the contractual requirement for advertising the vacancy districtwide.
- G. A transfer will normally be effective on the first day of the second pay period

following the hiring decision, and any resulting pay adjustment will normally be effective on the same day; however, if the gaining and losing supervisors agree, another transfer effective date may be set. In that case, any downward pay adjustment will be effective on the normal transfer date or actual transfer date, whichever is later. Any upward adjustment will be effective on the normal transfer date or the actual transfer date, whichever is sooner.

Section 2. Layoff

- A. Layoff, defined, is the separation of an employee for lack of work or funds, without fault or delinquency on the employee's part.
- B. The employer shall determine when a layoff is necessary, which positions will be eliminated, and the number of employees by job code who must be removed.
- C. The employer will remove the necessary number of employees from the affected job code, first in reverse order of system-wide seniority within the job code; and, second, when employees have the same system-wide seniority, in reverse order of seniority at their current work location. The employee assigned to a position being eliminated will be transferred to the continuing position being vacated by removal of the least senior employee having the same job code.
- D. The employee removed from his/her job code by the procedure described in paragraph C. above shall have the right to bump an employee with less system-wide seniority assigned to a lateral or lower grade job within the same job family (as defined in Appendix IV) for which he/she is qualified by experience or training.
- E. An employee bumped from his/her position may exercise the procedure described in paragraph D. above to bump an employee with less system-wide seniority assigned to lateral or lower grade jobs within the same job family.
- F. An employee who does not have sufficient seniority to retain a job within his/her job family shall, qualifications and experience permitting, be placed in a vacancy in another job family, provided he/she has previously satisfactorily performed such job for M-DCPS. If there is no such vacancy, the employee shall be placed, at the employer's option, in a vacancy in another job family and trained so as to be able to satisfactorily perform the duties.
- G. An employee who lacks sufficient job family seniority to retain a job within the job family and who cannot be placed in a job under paragraph F. above will be laid off.
- H. The employer shall give an employee who is to be laid off as much advance notice, in writing, as is reasonably possible, but no less than 21 workdays' notice. The Union shall be provided with a copy of such notices at the time such notices are provided to employees of pending layoff.

Section 3. Recall

- A. Recall, defined, is the calling back of an employee who was laid off or the restoration to a formerly held grade of an employee who bumped into a lower grade.

- B. An individual who bumped into a lower grade job or has been laid off under the provisions of Section 2. above shall be placed on a recall list by the job code held before the bumping or layoff process started and in the order of the effective date of the bumping or layoff. Such an individual will remain on the recall list for 12 months from that effective date, unless removed earlier under the provisions of paragraph C. below. An individual on the recall list is responsible for keeping the Division of Non-Instructional Staffing informed of his/her current telephone number and address.
- C. Job vacancies shall first be filled from the appropriate recall list. The Division of Non-Instructional Staffing will attempt to notify the individual to be recalled, first by telephone and then by certified mail (return receipt requested). In the event the individual cannot be contacted, despite reasonable effort, the individual next on the appropriate recall list will be contacted, and so on. Failure to contact an individual does not result in loss of position on the recall list; but failure to accept a position within 72 hours of receipt of such offer shall result in the individual being moved to the bottom of the appropriate recall list. If the individual twice fails to accept positions offered, or fails to report to work within 10 working days of accepting the job, or is found to be no longer qualified for the job, or has moved, leaving no forwarding address, he/she will be removed from the recall list.
- D. Any sick leave forfeited at the time of layoff shall be restored at the time of recall.
- E. Recall to a formerly held grade of an employee who bumped into a lower grade shall not be considered a promotion.
- F. Where an individual cannot accept recall, due to reasonable cause beyond his/her control, the employer and the Union, by mutual consent, may permit the individual to remain on the recall list for a time to be determined by the parties, but not to extend beyond the limits set in paragraph B. above.