

ARTICLE VIII

Transfers

A. DEFINITIONS AND CONDITIONS:

1. This Article provides procedures for a change in work location (one school, office, or other District site to another) of an employee.
2. “Vacancy” as defined in this article is an open position which the District intends to fill. This excludes openings that occur during the school year and/or openings that the District determines not to fill.
3. “Seniority” as defined in this article for probationary and permanent employees shall be the first date of certificated contract service. Days/hours in areas including but not limited to pre-service, staff development, substitute teaching or summer employment will not be considered in determining seniority.
4. “Specialized positions” as defined in this article are positions that include one or more of the following:
 - a. Calendar year beyond 182 days;
 - b. Specific certification, experience, and training including but not limited to: Transitional Kindergarten, Advanced/Finite Math; AP; GATE; TOSA; Special Education Autism, ED, and Transition;
 - c. Special skills in areas which are paid additional assignments; or
 - d. Non-traditional assignments including but not limited to: Multi-Age; GOC and CDS; Literacy; Dual Immersion; and TOSA.

The District and the Association will collaborate on additions to the list of specialized positions annually no later than two months prior to the March 15 posting date.

5. The District Transfer Committee shall recommend the placement of unassigned unit members to vacancies in accordance with the provisions of this article. The Committee shall attempt to match employee requests against identified vacant positions through the transfer process period commencing March 31 and ending on the seventh student day of the first week of the traditional school year. The recommendations of the Committee shall be advisory to the District. The District reserves the right to make the final determination.

The District Transfer Committee shall be composed of members appointed by the Association and the District. TALB shall designate: (a) two representatives to each committee, Elementary and Secondary; and (b) one representative representing Special Education to each committee, Elementary and Secondary. The District shall designate: (a) two representatives to the Elementary committee designated by the Elementary Assistant Superintendent; (b) one representative to each committee, Elementary and Secondary, designated by the K-8/Middle Schools Assistant Superintendent; (c) two representatives to

1 the Secondary committee designated by the Assistant Superintendent of High Schools; and
 2 (d) one representative to each committee, Special Education Elementary and Special
 3 Education Secondary designated by the Assistant Superintendent Office of School Support
 4 Services. The District Transfer Committee shall include members of the Human Resource
 5 Services support staff to facilitate the process.

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 7 Placement recommendations for non-specialized positions made by the Transfer
 8 Committee shall be based on the criteria listed in Section E in the following order:

- 9
 10 a. Employer-Initiated Transfers: Ranked by Permanent, Probationary in
 11 order of seniority within each group. When possible, placement
 12 recommendations shall be made within each group considering the first
 13 three preferred school sites in addition to other site preferences indicated
 14 on the Request for Transfer application.
 15 b. Employee Initiated Transfers: Ranked same as above
 16 c. Return from Leave of Absence: Ranked in order of receipt of Request
 17 for Transfer to Human Resource Services.
 18
 19 6. To facilitate the staffing process, employees are expected to make known their leave,
 20 resignation, or retirement requests by March 1.
 21
 22 7. Instructional Specialists and Nurses whose regular assignments involve travel between two
 23 (2) or more District work sites shall be assigned to schedules by the District following
 24 opportunity for advisory input as to employee preferences. These employees may request a
 25 transfer for all or a part of their assignment. These assignments shall be reviewed by the
 26 District Transfer Committee.
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28 Resource Specialist Program and itinerant teachers shall not be subject to any employer
 29 initiated change in assignment during the work year without an opportunity to meet and
 30 consult with the appropriate manager regarding the need for the change.
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32 **B. EMPLOYEE INITIATED TRANSFER REQUESTS:**
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- 34 1. Lists of known vacancies for the next school year shall be posted in each school no later than
 35 March 15. Postings shall be sent to the TALB Office, to each school site for posting on a
 36 designated bulletin board in the faculty lounge, and posted on the District's website. Updates
 37 of current openings will be posted in March, April and May. Postings in June and July shall
 38 be made for information purposes only. The lists shall include (a) the District elementary or
 39 secondary school; (b) grade level or subject matter; (c) track or schedule for year-round
 40 assignments; (d) other pertinent credential/special certification and/or job description
 41 information. TALB shall be sent a copy of each list.
 42
 43 2. On or before March 31, teachers, nurses, and librarians may submit requests for transfer
 44 indicating each position for which they are credentialed and which they would be willing to
 45 accept, whether or not that position appears as a vacancy.

1 Such transfer requests shall be made on the appropriate District form. If qualified, those who
 2 submit requests will be considered for all applicable positions as they become available
 3 through the end of the first seven (7) student days of the following traditional school year.
 4

- 5 3. Additional vacancies shall be filled by the District as they occur throughout the spring and
 6 summer, up to the end of the first seven (7) student days of the following traditional school
 7 year. The District Transfer Committee shall monitor all vacancies until they are filled.
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 9 4. Factors to be considered for Employee Initiated transfers are contained in Section E of this
 10 article.

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 12 **C. EMPLOYER INITIATED TRANSFER REQUESTS:**
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- 14 1. Changes in staffing other than those made under Section B. above shall be made whenever
 15 the District determines that there is a need (a) to reduce staff because of enrollment loss or
 16 discontinuance of a program, grade level, or school closure; (b) to balance a school staff in
 17 terms of gender, teaching experience, bilingual needs, magnet programs and/or co-curricular
 18 needs. In addition, employer initiated transfers may be made for other factors confidential to
 19 the employee and Human Resource Services.
 20
 21 2. When the manager determines the factors related to an employer initiated transfer
 22 necessitated by school, segment, or department enrollment loss, he/she shall ask for a
 23 qualified volunteer. In the event that no one volunteers, the manager shall select for transfer
 24 the probationary employee who has the least districtwide seniority as a certificated employee.
 25 If there are no probationary employees in the school, segment, or department, the manager
 26 shall select the tenured employee who has the least districtwide seniority as a certificated
 27 employee.
 28

29 Probationary and permanent employees may be exempted from employer initiated transfer
 30 if the change would adversely affect any of the following: (a) compliance with state and
 31 federal requirements; (b) balance of numbers of males and females on faculty/department
 32 staff; (c) balance of numbers of male and females in Physical Education (PE).
 33

- 34 3. A manager will hold a conference in a timely manner with an employee who is to be
 35 transferred at employer request to discuss the reasons for the change. Upon request, the
 36 employee may have an Association staff or site representative present at the conference. The
 37 displaced employee shall be given priority consideration and the employee will have the
 38 opportunity to submit a transfer request indicating positions for which he/she is appropriately
 39 credentialed.
 40
 41 4. Notwithstanding the provisions in C.2. above, employees shall not be subject to transfers at
 42 employer request if they are fifty-nine (59) years of age or older with twenty (20) or more
 43 years of service to the District, have been transferred at employer request within the previous
 44 three (3) years, or have volunteered in writing for transfer to their principal and were
 45 transferred in lieu of transfer at employer request.
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1 5. Displaced employees who are transferred shall have the right to return to their last identical
 2 assignment if it is reinstated before the end of the seventh student day of the following
 3 traditional school year. Reinstatement may only occur as a result of an increase in student
 4 enrollment.

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 6 6. Factors to be considered for Employer Initiated transfers are contained in Section E of this
 7 article.

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 9 **D. RETURN FROM LEAVES OF ABSENCE:**

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 11 1. Employees returning from leave shall be assigned in the order their Request for Transfer is
 12 received by Human Resource Services.

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 14 2. To facilitate the staffing process, employees are expected to make known their leave,
 15 resignation, or retirement requests by March 1.

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 17 **E. FACTORS IN DETERMINING TRANSFERS:**

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 19 1. One or more of the following factors shall be considered in determining transfers initiated by
 20 employees or by the District:

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 22 (a) Credential(s) including Supplemental Authorization;

23 (b) Compliance with state and federal requirements, including but not limited to
 24 Education Code 35036;

25 (c) Department, grade level, or team teaching responsibility in the affected schools;

26 (d) Staffing needs of the schools (gender, teaching experience);

27 (e) Skills, experience, certification, and/or training; and

28 (f) Recommendation of site interview team.

29
 30 2. When the District determines that the above factors are substantially comparable, seniority
 31 in the District as a certificated employee will determine transfers; except that, in cases of
 32 equivalent seniority in the District, additional consideration will be given to the employee's
 33 length of service at the present school site. A final tie-breaker will be determined by the
 34 higher last four digits of the employees' randomly generated identification number allowing
 35 that employee to stay at the site.

36
 37 3. The superintendent of a school district may not transfer a teacher who requests to be
 38 transferred to a school offering kindergarten or any grades 1 to 12, inclusive, that is ranked
 39 in deciles 1 to 3, inclusive, on the Academic Performance Index if the principal of the school
 40 refuses to accept the transfer pursuant to Education Code, Section 35036.

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 42 4. Under E.1.f above, a selection process shall be required for specialized positions as defined
 43 in section A.4 posted by the District. All individuals who requested a transfer to that position
 44 will be given the opportunity to participate in the selection process. Site interview teams,
 45 comprised of a majority of unit members, shall provide recommendations for consideration

1 to the site administrator. The site administrator shall make the final recommendations for
 2 consideration to the District Transfer Committee(s) in accordance with A.5 above.

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 4 5. Any employee is eligible to initiate a transfer request or volunteer for displacement when
 5 his/her most recent final evaluation is effective in all areas.

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 7 **F. MISCELLANEOUS PROVISIONS:**

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 9 1. Employees who are to be transferred shall be given notice of tentative assignment normally
 10 prior to the close of the school session year. Those transferred after the close of the school
 11 year shall be notified by mail.
 12
 13 2. It may be necessary to make employer/administration initiated transfers or employee
 14 initiated transfers during the school year. Such changes shall be made at a time and in a
 15 manner that the District determines to be least disruptive to the educational program or
 16 support service.

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 18 Employees who are transferred during the school year will be given as much advance notice
 19 as possible. Those who so request shall be allowed one (1) day of preparation time and
 20 reasonable custodial assistance in moving the employee's materials to the new work location.

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 22 3. Employees who are transferred at employer request at the end of the school year shall be
 23 given reasonable custodial assistance, upon request, in moving materials to the new location.
 24
 25 4. Employees who are granted their transfer requests shall not be eligible to apply for a
 26 subsequent transfer for at least three (3) years except with the consent of the District.
 27
 28 5. An employee who has received an employer initiated transfer and who was not placed in a
 29 position he/she requested shall be placed in the first priority grouping of employee initiated
 30 transfers for placement in the subsequent year if the employee submits a Request for
 31 Transfer.
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 33 6. Teachers who are assigned to sites with multiple campuses such as Poly/PAAL are
 34 considered to be assigned to the same site. Movement between the two campuses shall not
 35 be defined as a transfer.

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 37 **G. REASSIGNMENTS:**

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 39 The Long Beach Unified School District and the Teacher Association of Long Beach have
 40 entered into a Memorandum of Understanding for implementing reassignments dated
 41 March 8, 2018. The District and TALB will meet in January of 2020 and 2021 to review
 42 the reassignment data and evaluate the effectiveness.

43
 44 The memorandum of Understanding in part states, in the event a unit member has concerns
 45 with the reassignment, the teacher will have ten (10) working days to request a review
 46 meeting with the Director of Employee Relations Office with a clear, concise statement of

1 the extenuating circumstances. Thereafter a review meeting will be held with the
2 Principal’s Supervisor and Human Resources Administrator. Every effort will be made to
3 schedule the review meeting within ten (10) working days of the written request.
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5 **H. GUIDELINES FOR CHANGE OF ASSIGNMENT – TEACHER SUPPORT:** The
6 Long Beach Unified School District and The Teacher Association of Long Beach have
7 entered into a Memorandum of Understanding (MOU) – Guidelines for Change of
8 Assignment – Teacher Support dated March 23, 2021. The District and TALB will meet in
9 October of 2021 to review the effectiveness of MOU. This MOU will expire on June 30,
10 2022.

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12 The Memorandum of Understanding reviews assistance teachers will receive from sites to
13 support a smooth adjustment period for affected teachers who are transitioning to a new
14 content area/grade level, and/or moving schools.
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