

ARTICLE 11: PERSONNEL FILES

Section 11.1-District Files. The District shall maintain the unit member's personnel file at the District central office. Materials not accessible for inspection by the unit members include reports and records obtained by the District prior to the unit member's employment, materials prepared by identifiable examination committee members or which were obtained in connection with a promotional examination.

Section 11.2-Inspection of File. The unit member or, upon written authorization by that unit member, a representative of the Association, shall be permitted to examine and/or obtain copies of materials in such unit member's personnel file. Copies of materials in the unit member's file may be obtained for a nominal fee. (A minimum of three (3) days advance notice must be given to Human Resources Office for copies of material in the unit member's personnel file). Inspection of files shall take place during normal District business hours, and the unit member shall be released from duty for this purpose without salary reduction. However, the unit member must make an appointment, in advance, with the Human Resources Office to arrange, as soon as possible, a specific time for reviewing his/her personnel file.

Section 11.3-Identification. Any person who prepares written material for placement in the unit member's file shall sign the material and indicate the date on which the material was prepared. Information of a derogatory nature, except material mentioned in Section 11.1 above, shall not be entered or filed unless, and until, the employee is given notice and an opportunity to review and comment thereon. If, after conferring with the unit member and the complaining party, the District is satisfied that the derogatory allegations are creditless and without merit, the material containing such allegations will be disregarded and shall not be placed in the unit member's file.

Section 11.4-Access. Access to personnel files shall be limited to members of the District and Management Team members. The Board of Education may request a review of a unit members personnel file at a Board of Education meeting. A form shall be attached to the front of each file whereon the person reviewing the file shall put his/her signature, the date, and purpose for reviewing the file each time the file is reviewed. The contents of all personnel files shall be kept in strictest confidence.

Section 11.5-Exclusions. Neither the provisions on adding material nor on reviewing a file shall apply to members of the Human Resources Office when they are performing the regular functions of their jobs.

ARTICLE 12: TRANSFER POLICY

Section 12.1 - Definition. A transfer is the relocation of a unit member from one work location/site to another in the District exclusive of transfers within programs with multiple work sites. Transfers are either administrative or initiated by the unit member.

Section 12.2 - Assignments. Specific grade or class assignments within a school or in programs with multiple work sites, are made by the principal. Re-assignments are the change of a grade or class assignment, for over one-half of the instructional day, at the same site and in programs with multiple work sites. Neither assignments or re-assignments are subject to the transfer policy, except as noted in 12.14 and 12.15 of this Article. The District shall make every reasonable effort to restrict the number of re-assignments. All re-assignments shall be approved by the Assistant Superintendent of Human Resources.

Section 12.3 - Requests for Transfer Through the Transfer List. The Transfer List will be opened no later than the first Monday in February. Unit members who wish to have their names published on the transfer list must submit a written request on the District form no later than March 15. Upon request, the unit member shall receive a date stamped copy of their application for transfer. The request to place their name on the list shall serve as the in-house application. Qualified transfer applicants shall be given the opportunity to be interviewed for vacant positions at their requested sites prior to the District hiring outside applicants. The expiration date of the District's usage of this list will be April 15 of the current school year.

Section 12.4 - Posting of Positions. The District shall have the responsibility to determine when and where there is a vacancy. When a vacancy has been determined to exist, the District will post the position, subject to the following:

- a. Vacancy is defined as any new or existing position represented by the Association in a school or location which the District has determined is to be filled by a regular probationary or permanent employee rather than a substitute.
- b. Vacancies shall be posted when they become known to the Assistant Superintendent, Human Resources.
- c. All vacancies for positions represented by the Association shall be date stamped and posted no later than seven (7) days before the vacancy is filled. A posting is defined as the date the position is placed on the Job Opportunities Board at the District Office. The Association president shall receive a copy of all postings. Said postings shall be sent electronically to all schools and locations in the District for posting. Days under this subsection shall mean days when the District Office is open.

Section 12.5 - Unit Member Initiated Transfer. Unit members may apply for a position by completing an in-house application whenever an opening is posted. The unit member shall be considered qualified for a posted vacancy if:

- a. The unit member possesses an appropriate and valid credential for the position posted.
- b. Qualified transfer applicants shall be given the opportunity to be interviewed for vacant positions prior to the District hiring outside applicants.

- c. In the event the unit member does not appear for the interview, they automatically remove themselves from consideration for that vacant position. A written statement of the decision concerning the unit member's request for transfer along with the reasons for that decision shall be forwarded to the unit member, if said unit member requests in writing that the reasons be given.

Section 12.6 - Conference. If the decision is unsatisfactory to the unit member, a conference with the administrator who conducted the interview shall be held.

Section 12.7 - Withdrawal. The request for transfer may be withdrawn at the time prior to official confirmation that the transfer has been effected. A transfer has been effected at the time the receiving site or location administrator, the applicant, and the District have concurred upon the transfer.

Section 12.8 - Administrative Transfers.

- a. No unit member shall have their compensation negatively impacted due to administrative transfer if that transfer is effected after the end of the first attendance month of school. The unit member shall be entitled to the added compensation only for the balance of that school year in which the administrative transfer was made.
- b. The following are reasons for administrative transfers:
 - 1. Fluctuations of school enrollment, normally transfers between affected schools or tracks.
 - 2. Opening or closing of schools.
 - 3. Elimination or reduction of classes in special areas or programs, to include Year-Round Education, which may revert to traditional school programs.
 - 4. Certification adjustments.
 - 5. Requirements of a special project including financial balance (comparability).
 - 6. Irreconcilable differences between unit members and/or the administration for just cause. A meeting shall take place between the site administrator, the unit member, ACE representative and a representative from Human Resources in an attempt to reconcile the difference prior to the transfer decision. A transfer will be implemented if either the administrator or unit member determines a resolution cannot be met. The affected unit member may request a meeting, prior to the transfer, with the Superintendent and with a representative of the Association in attendance. The Superintendent shall render a decision within three (3) work days of the meeting, in which the decision may be implemented immediately. No one other than the affected unit member will be transferred or be reassigned as a result of the implementation of this provision.
 - a. A unit member may be administratively transferred for irreconcilable differences no more than once every three (3) years from date of transfer. Other forms of Administrative Transfer do not have this same protection (12.8.b.1-5).
- c. Selection: In an administrative initiated transfer of unit members, the following selection system shall be used in the case of 12.8.b.1-12.8.b.5.

1. Those unit members who volunteer for an administrative-initiated transfer.
2. A unit member with the most recent date of certificated employment with the District.
 - a. Unit members with the same initial date of employment shall be selected by lot.

Section 12.9 - Qualifications. The unit member shall be considered qualified to be administratively transferred if the unit member possesses an appropriate and valid credential.

Section 12.10 - Comparability Requirements. When problems arise in the area of Comparability requirements, the District will follow this Transfer Policy as closely as possible, and shall make transfers that involve the least number of unit members; but the District does retain the right to make those transfers that are necessary to ensure compliance.

Section 12.11 - Legal Compliance. In situations arising involving a violation of civil or criminal law, the District retains the responsibility to transfer such employees as is deemed to be in the best interest of the School District and those students who may be involved.

Section 12.12 - Notice. In all cases, notice shall be given in writing and shall contain the reason for the transfer or reassignment and the exact assignment. Notice of transfer or reassignment shall be given to the unit member in writing, either personally, or, if this is not possible, by postal mail. After the start of school, at least three (3) working days notice shall be given to unit members for reassignments and ten (10) working days for transfers. Unit members will be given tentative assignments before the end of the current school year when possible.

Section 12.13 - Assistance. When there is a transfer from one school or work site to another, or a reassignment at the same school at a different grade level or subject area, the District shall authorize, after the initial three (3) or ten (10) working days notice, two (2) school days substitute time or one (1) day of pay at the member's per diem rate, if requested, for the unit member to move materials and prepare for the new assignment. The District shall also furnish reasonable assistance in the transfer of personal teaching materials and equipment from one (1) location to another. If a transfer or a reassignment is made during the summer recess, the unit member may request assistance in moving teacher materials and equipment to the new location and no substitute time will be provided.

Section 12.14 - Year-Round Education Transfer Policy. **Archived in 2014-2015 CBA as a reference should the District reimplement Year-Round Education (YRE), and is not subject to the grievance process while archived.