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**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

**ARTICLE VIII – TRANSFERS (continued)**

1 Superintendent; (c) two representatives to the Secondary committee designated by  
2 the Assistant Superintendent of High Schools; and (d) one representative to each  
3 committee, Special Education Elementary and Special Education Secondary  
4 designated by the Assistant Superintendent Office of School Support Services. The  
5 District Transfer Committee shall include members of the Human Resource Services  
6 support staff to facilitate the process.  
7

8 Placement recommendations for non-specialized positions made by the Transfer  
9 Committee shall be based on the criteria listed in Section E in the following order:  
10

- 11 a. Employer-Initiated Transfers: Ranked by Permanent,  
12 Probationary in order of seniority within each group. When  
13 possible, placement recommendations shall be made within each  
14 group considering the first three preferred school sites in  
15 addition to other site preferences indicated on the Request for  
16 Transfer application.
  - 17 b. Employee Initiated Transfers: Ranked same as above
  - 18 c. Return from Leave of Absence: Ranked in order of receipt of  
19 Request for Transfer to Human Resource Services.
- 20
- 21 6. To facilitate the staffing process, employees are expected to make known their leave,  
22 resignation, or retirement requests by March 1.
  - 23
  - 24 7. Instructional Specialists and Nurses whose regular assignments involve travel  
25 between two (2) or more District work sites shall be assigned to schedules by the  
26 District following opportunity for advisory input as to employee preferences. These  
27 employees may request a transfer for all or a part of their assignment. These  
28 assignments shall be reviewed by the District Transfer Committee.  
29

30 Resource Specialist Program and itinerant teachers shall not be subject to any  
31 employer initiated change in assignment during the work year without an opportunity  
32 to meet and consult with the appropriate manager regarding the need for the change.  
33

34 **B. EMPLOYEE INITIATED TRANSFER REQUESTS:**  
35

- 36 1. Lists of known vacancies for the next school year shall be posted in each school no  
37 later than March 15. Postings shall be sent to the TALB Office, to each school site  
38 for posting on a designated bulletin board in the faculty lounge, and posted on the  
39 District’s website. Updates of current openings will be posted in March, April and  
40 May. Postings in June and July shall be made for information purposes only. The  
41 lists shall include (a) the District elementary or secondary school; (b) grade level or  
42 subject matter; (c) track or schedule for year-round assignments; (d) other pertinent  
43 credential/special certification and/or job description information. TALB shall be  
44 sent a copy of each list.  
45

**ARTICLE VIII – TRANSFERS (continued)**

- 1       2. On or before March 31, teachers, nurses, and librarians may submit requests for  
2       transfer indicating each position for which they are credentialed and which they  
3       would be willing to accept, whether or not that position appears as a vacancy.  
4       Such transfer requests shall be made on the appropriate District form. If qualified,  
5       those who submit requests will be considered for all applicable positions as they  
6       become available through the end of the first seven (7) student days of the following  
7       traditional school year.  
8  
9       3. Additional vacancies shall be filled by the District as they occur throughout the spring  
10      and summer, up to the end of the first seven (7) student days of the following  
11      traditional school year. The District Transfer Committee shall monitor all vacancies  
12      until they are filled.  
13  
14      4. Factors to be considered for Employee Initiated transfers are contained in Section E  
15      of this article.  
16

17   **C.   EMPLOYER INITIATED TRANSFER REQUESTS:**

- 18  
19      1. Changes in staffing other than those made under Section B. above shall be made  
20      whenever the District determines that there is a need (a) to reduce staff because of  
21      enrollment loss or discontinuance of a program, grade level, or school closure; (b) to  
22      balance a school staff in terms of gender, ethnicity, teaching experience, bilingual  
23      needs, magnet programs and/or co-curricular needs. In addition, employer initiated  
24      transfers may be made for other factors confidential to the employee and Human  
25      Resource Services.  
26  
27      2. When the manager determines the factors related to an employer initiated transfer  
28      necessitated by school, segment, or department enrollment loss, he/she shall ask for  
29      a qualified volunteer. In the event that no one volunteers, the manager shall select  
30      for transfer the probationary employee who has the least districtwide seniority as a  
31      certificated employee. If there are no probationary employees in the school, segment,  
32      or department, the manager shall select the tenured employee who has the least  
33      districtwide seniority as a certificated employee.  
34  
35      Probationary, and tenured employees may be exempted from employer initiated  
36      transfer if the change would adversely affect any of the following: (a) compliance  
37      with state and federal requirements; (b) balance of numbers of males and females on  
38      faculty/department staff.  
39  
40      3. A manager will hold a conference in a timely manner with an employee who is to be  
41      transferred at employer request to discuss the reasons for the change. Upon request,  
42      the employee may have an Association staff or site representative present at the  
43      conference. The displaced employee shall be given priority consideration and the  
44      employee will have the opportunity to submit a transfer request indicating positions  
45      for which he/she is appropriately credentialed.  
46

**ARTICLE VIII – TRANSFERS (continued)**

- 1 4. Notwithstanding the provisions in C.2. above, employees shall not be subject to  
2 transfers at employer request if they are fifty-nine (59) years of age or older, have  
3 been transferred at employer request within the previous three (3) years, or have  
4 volunteered in writing for transfer to their principal and were transferred in lieu of  
5 transfer at employer request.  
6
- 7 5. Displaced employees who are transferred shall have the right to return to their last  
8 identical assignment if it is reinstated before the end of the seventh student day of the  
9 following traditional school year. Reinstatement may only occur as a result of an  
10 increase in student enrollment.  
11
- 12 6. Factors to be considered for Employer Initiated transfers are contained in Section E  
13 of this article.  
14

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

- 16
- 17 1. Employees returning from leave shall be assigned in the order their Request for  
18 Transfer is received by Human Resource Services.  
19
- 20 2. To facilitate the staffing process, employees are expected to make known their leave,  
21 resignation, or retirement requests by March 1.  
22

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

- 24
- 25 1. One or more of the following factors shall be considered in determining transfers  
26 initiated by employees or by the District:  
27
  - 28 (a) Credential(s) including Supplemental Authorization;
  - 29 (b) Compliance with state and federal requirements, including but not limited  
30 to Education Code 35036;
  - 31 (c) Department, grade level, or team teaching responsibility in the affected  
32 schools;
  - 33 (d) Staffing needs of the schools (gender, teaching experience);
  - 34 (e) Skills, experience, certification, and/or training; and
  - 35 (f) Recommendation of site interview team.  
36
- 37 2. When the District determines that the above factors are substantially comparable,  
38 seniority in the District as a certificated employee will determine transfers; except  
39 that, in cases of equivalent seniority in the District, additional consideration will be  
40 given to the employee's length of service at the present school site. A final tie-breaker  
41 will be determined by the higher last four digits of the employees' randomly  
42 generated identification number allowing that employee to stay at the site.  
43
- 44 3. The superintendent of a school district may not transfer a teacher who requests to be  
45 transferred to a school offering kindergarten or any grades 1 to 12, inclusive, that is  
46 ranked in deciles 1 to 3, inclusive, on the Academic Performance Index if the

**ARTICLE VIII – TRANSFERS (continued)**

1 principal of the school refuses to accept the transfer pursuant to Education Code,  
2 Section 35036.

3  
4 4. Under E.1.f above, a selection process shall be required for specialized positions as  
5 defined in section A.4 posted by the District. All individuals who requested a transfer  
6 to that position will be given the opportunity to participate in the selection process.  
7 Site interview teams, comprised of a majority of unit members, shall provide  
8 recommendations for consideration to the site administrator. The site administrator  
9 shall make the final recommendations for consideration to the District Transfer  
10 Committee(s) in accordance with A.5 above.

11  
12 5. Any employee is eligible to initiate a transfer request or volunteer for displacement  
13 when his/her most recent final evaluation is effective in all areas.

14  
15 **F. MISCELLANEOUS PROVISIONS:**

16  
17 1. Employees who are to be transferred shall be given notice of tentative assignment  
18 normally prior to the close of the school session year. Those transferred after the  
19 close of the school year shall be notified by mail.

20  
21 2. It may be necessary to make employer/administration initiated transfers or  
22 employee initiated transfers during the school year. Such changes shall be  
23 made at a time and in a manner that the District determines to be least  
24 disruptive to the educational program or support service.

25  
26 Employees who are transferred during the school year will be given as much advance  
27 notice as possible. Those who so request shall be allowed one (1) day of preparation  
28 time and reasonable custodial assistance in moving the employee's materials to the  
29 new work location.

30  
31 3. Employees who are transferred at employer request at the end of the school year  
32 shall be given reasonable custodial assistance, upon request, in moving materials to  
33 the new location.

34  
35 4. Employees who are granted their transfer requests shall not be eligible to apply for a  
36 subsequent transfer for at least three (3) years except with the consent of the District.

37  
38 5. An employee who has received an employer initiated transfer and who was not placed  
39 in a position he/she requested shall be placed in the first priority grouping of  
40 employee initiated transfers for placement in the subsequent year if the employee  
41 submits a Request for Transfer.

42  
43 6. Teachers who are assigned to sites with multiple campuses such as Poly/PAAL are  
44 considered to be assigned to the same site. Movement between the two campuses  
45 shall not be defined as a transfer.

**ARTICLE VIII – TRANSFERS (continued)**

**G. REASSIGNMENTS:**

The Long Beach Unified School District and the Teacher Association of Long Beach have entered into a Memorandum of Understanding for implementing reassignments dated March 8, 2018. The District and TALB will meet in January of 2019 to review the reassignment data and evaluate the effectiveness.

The memorandum of Understanding in part states, in the event a unit member has concerns with the reassignment, the teacher will have ten (10) working days to request a review meeting with the Director of Employee Relations Office with a clear, concise statement of the extenuating circumstances. Thereafter a review meeting will be held with the Principal’s Supervisor and Human Resources Administrator. Every effort will be made to schedule the review meeting within ten (10) working days of the written request.