INVOLUNTARY TRANSFERS BETWEEN CLASSIFICATIONS 1028

(No. 155 September 2011)

To provide operational flexibility and effectively utilize employees, the Department may make staffing and assignment changes by transferring employees without their consent. Such movement may be due to anticipated layoffs, changes in program or unit function or reorganization. The decision to involuntarily transfer an employee between classifications is management initiated and must comply with the guidelines below.

REFERENCES 1028.1

(No. 155 September 2011)

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Applicable Bargaining Unit Memorandum of Understanding (MOU)
California Code of Regulations, Sections 431, 434
California Code of Regulations, Section 599.714
Government Code, Sections 3517.6, 18525.3, 19050.4, 19050.5, 19994, 19997.8
SPB Personnel Management Policy and Procedures Manual (PMPPM), Section 315, "Transfers"
State Personnel Board (SPB) Memorandum to All State Agencies and Employee Organizations, April 5, 1994, "Delegation of Function re: Involuntary Transfer – Change in Class"

GUIDELINES 1028.2

(No. 155 September 2011)

It is important to strike a balance between the interests of the Department and the employee. The employee's rights in an involuntary transfer situation are to retain his/her present type and level of employment and be treated equitably in relation to other employees.

Involuntary transfers between classifications must meet the general transfer criteria as outlined in Section 1021.9 for voluntary transfers between classifications, in addition to the following additional standards which protect the employee's career advancement opportunities, status, rights and salary. Involuntary transfers are relatively rare and questions regarding the appropriateness of involuntary transfers should be referred to the appropriate Unit or Region Administrative Officer, or, for Headquarters Units, the Classification and Pay Unit within Labor and Human Resource Management.

1. The salary and benefits of the new classification must be at least equal, but no more than two steps higher than that of the employee's current classification. **No salary or benefit loss is permitted.**

    - Salary or benefit loss includes any supervisory benefits and pay differentials associated with the classification (e.g., Longevity Pay, Educational Incentive Pay, etc.).

- Salary or benefit loss does not include pay differentials and other compensation associated with the position [e.g., Night Shift Differential Pay, Recruitment and Retention Differential-Hazmat (Hazardous Materials), etc.].

- For information regarding pay differentials, please see the Pay Differential Matrix located on the CAL FIRE Intranet, under Labor and Human Resource Management/Classification and Pay.

2. The employee's career advancement opportunities must not be unreasonably stifled.

3. The new classification must be in the same or a reasonably comparable class series.

4. The level of duties and responsibilities for the new classification must be reasonably related to those of the old classification and must afford the employee reasonable expectations of job success.

5. The transfer must not affect the employee's rights in an impending layoff.

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These standards substantially limit the ability to involuntarily transfer employees between classifications. Involuntary classification changes will typically need to be accomplished through a more structured process, such as layoff, disciplinary action or medical demotion, depending on the specific reason for the change. These processes are preferred as they appropriately deal with the specific concerns that arise when employees are involuntarily removed from their classification.

INVOLUNTARY GEOGRAPHIC TRANSFERS 1028.3

(No. 155 September 2011)

For non-geographic involuntary transfers, written notification must be provided to the employee at least 30 days prior to the effective date of the transfer. Notice should include the reason for the transfer, information regarding entitlement to relocation expenses (if any), and other pertinent information (e.g., reporting date, available alternate positions, alternate options, etc.).

For geographic involuntary transfers the Department must follow all the guidelines outlined in Section 1028.3. Pursuant to Government Code 19994.1, when a transfer under this section reasonably requires an employee to change his or her place of residence, the appointing power shall give the employee a written notice of transfer 60 days in advance of the effective date of the transfer, unless the employee waives this right,. Notice should include the reason for the transfer, information regarding entitlement to relocation expenses (if any), and other pertinent information (e.g., reporting date, available alternate positions, alternate options, etc.).

An employee is reasonably expected to change his/her place of residence when the move results in:

- a distance of at least 35 miles between the old work location and new work location; and
- a distance of at least 35 miles between the old residence and new residence; and
- a distance of at least 35 miles between the old residence and new work location.

In addition, the new residence shall not be farther from the new work location than the old residence is from the new work location.

PROCESS 1028.4

(No. 155 September 2011)

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1. All involuntary transfers must be approved by the Director or his/her designee.

2. The Region Administrative Officer for field units, or Classification and Pay Analyst for Headquarters units shall submit requests for involuntary transfers in writing, with documentation attached to the Chief of Personnel Services.

   Documentation shall include a justification, in memorandum format, detailing the purpose for the transfer, all options previously explored, proof of the employee's transfer eligibility, current and proposed Position Essential Functions Duties Statements(PO 199s) for the position(s), and current and proposed organizational charts for the affected unit(s).

3. The Chief of Personnel Services will review the transfer request to ensure the transfer complies with the guidelines above and provide a recommendation to the Assistant Deputy Director of Labor and Human Resource Management.

4. If the transfer is approved, an approval memorandum will be sent to the Region Administrative Officer or Headquarter's Administrative Officer, who shall notify the employee in writing of the transfer.

(see next section)

(see HB Table of Contents)

(see Forms or Forms Samples)