

Book POLICIES
Section G - Certified Staff Policies
Title Assignment and Transfer – Primary Contract Position
Number GBZCA
Status Active
Legal K.S.A. 72-2252

BOARD POLICY:

I. **Definitions**

- A. Assignment: An assignment is the job title or position held. Assignment does not include location. Reassignment occurs within a school, site or district-wide program.
- B. Transfer: A transfer is a move of an educator from one school, site, or district-wide program to another. It may or may not include a reassignment.
- C. District-wide program: A District-wide program is a job assignment whose location is subject to change based on District needs. A list of district-wide programs is reviewed annually and published in Appendix A of the Negotiated Agreement.
- D. Itinerant Pool: A category for educators whose schedule in a single building and with consideration of the District's Staff Guidelines, does not fulfill the professional day requirement.
- E. Reduction in force (RIF): A reduction in force occurs when staffing changes cannot be accommodated through reassignment, transfer, and/or attrition. A reduction in force results in loss of employment for one or more educators.
- F.** Posting: A posting is an announcement of an open position. All vacant bargaining unit positions covered by this agreement will be posted on the website specified by the District. All positions must be posted internally, and Human Resources may also at its discretion post externally. The requirement for posting will not be imposed for vacancies with a hire date after July 31. Vacancies within a building may be filled by reassignment of building staff without posting, so long as the reassignment is in keeping with this policy. Posting of vacancies in extracurricular, co-curricular, academic support or stipended positions will not be required.
- F-G.** Seniority: A status attained by length of continuous years of service in Olathe USD #233. Seniority status ends ~~restarts~~ upon resignation from the district and ~~restarts over~~ upon rehire. Leaves of Absence allow seniority to continue.

II. **Reassignment:** Reassignment may be initiated by an employee or by administration.

- A. **Employee-Initiated Reassignment:** An educator wishing to be reassigned should communicate ~~his/her~~their interest to ~~his/her~~their principal or administrator. Employee-initiated requests may be approved by principal or administrator if the reassignment meets the requirements of "Criteria for reassignment" below.
- B. **Administrator-Initiated Reassignment:** Administration may reassign an educator to accommodate building/site needs (including changes in staffing allocations), so long as the reassignment meets the requirements of "Criteria for reassignment" below.
 - 1. Criteria for reassignment: Reassignment may be carried out if it meets the following criteria:
 - a. The reassignment places the educator in a position for which ~~they are he/she is~~ licensed.
 - b. The reassignment does not alter the length of the educator's contract.
 - c. At the elementary level, the assignment does not move an educator from a K-5 classroom position to a specialist position (i.e., art, music, PE) or non-classroom position such as counselor or library-media specialist.

- If a reassignment does not meet the requirements of “Criteria for reassignment,” the reassignment will be managed as an employee-initiated transfer or as an administrator transfer.
- C. Returning personnel will continue in the existing assignment unless notified of a change of assignment by the Superintendent or designee. Should reassignment be necessary, the staff member will be notified in person, by phone, or in writing. If requested, individuals will be provided a personal conference with the person who provided the notification.

III. **District-wide Program Assignments:** A District-wide program based assignment is one in which the assigned location is subject to change due to factors including: program enrollment, state/federal regulation, caseload size or composition, curricular program change, alignment of student school feeder patterns, adequacy of the facility to serve student needs.

- A. District-wide program locations may change to meet the program needs.
- B. It is possible that an educator’s assignment location could be split between building-based and District-wide program-based assignments.
- C. If a District-wide program is remaining at a location but the number of staff in that assignment at that location is being reduced, the agreement provision Administrator-Initiated Transfer Due to Reduction in Staff will be applied, unless the reduction is the result of compliance with federal/state laws or regulations.
- D. Where locations are being changed not due to reduction of staff, the Administrator-Initiated Transfer for Other Reasons provision will be applied.
- E. Personnel new to the District will be informed of assignment and location by the Superintendent or designee, including whether the assignment is a District-wide program location.
- F. A list of District-Wide Program Assignments agreed to by Professional Council will be maintained by Human Resources Division and reviewed annually in conjunction with Learning Services. (Appendix A)

IV. **Transfer:** Transfers may be initiated by an employee or by administration.

A. **Employee-Initiated Transfer:**

- 1. Application for transfer.
 - a. An educator who wishes to apply for a posted vacancy must file an online application in the manner prescribed by Human Resources.
 - b. The transfer request will be in effect until July 31 preceding the year for which the transfer is submitted or until the specific position for which the transfer is submitted is filled, unless canceled by the employee by notification in writing to Human Resources.
 - c. If the transfer is in effect on June 1, Human Resources may inform the employee’s principal/administrator of the application. Until June 1, the principal/administrator will be informed of the employee’s application for transfer only with the permission of the employee. A principal/administrator considering a transfer may make consideration of the transfer contingent upon receiving employee authorization to do a reference check with the employee’s current principal/administrator.
 - d. An educator may cancel a request for transfer by sending notification in writing to Human Resources. After a transfer is offered and accepted, an employee may not withdraw the request.
- 2. Transfer process
 - a. Educators requesting transfer will be given consideration for posted vacancies.

- b. The receiving principal/ administrator will make a recommendation to Human Resources regarding the approval or denial of a transfer request. Final approval or denial will be made by the Superintendent or designee.
 - c. Transfer applicants will be notified when a position for which they have applied has been filled.
- B. Administrator-Initiated Transfer Due to Reduction in Staff:** An administrator-initiated transfer to accommodate a staff reduction at a school, site, or district-wide program may be initiated by the building/site administrator or by the Superintendent or ~~their~~his/her designee. Prior to initiating a transfer under this provision, administration will take the following steps.
1. Step One: Administration will identify the assignment area affected by the staff reduction.
 - a. Elementary—the assignment area for reduction will be grades K-5, or specialty area (such as physical education, counseling, etc.)
 - b. Middle school—the assignment area for reduction will be grade 6-8 core content specific area, or elective/specialty area (such as physical education, art, band, counselor, etc.) based on highly qualified status and licensure/endorsement.
 - c. High School—the assignment area for reduction will be based on department. Within a department, further narrowing of the affected area can be designated based on licensure and endorsement areas.
 2. Step Two: Administration will determine if reassignment within the building/site can address the staffing needs.
 3. Step Three: Educators employed part-time or part-time at a particular location may be transferred based on district needs.
 4. Step Four: Administration will seek volunteers from the assignment area to be reduced.
 5. Step Five: Once an employee volunteers for transfer and it is determined that the transfer does meet staffing needs, he/she will work with Human Resources to be placed in position for which he/she is licensed.
 6. Step Six: If no volunteers are identified, the District will begin the process of administrator-initiated transfer.
 - a. Employees within the affected area will be listed in order according to district seniority. Staff members tied in district seniority will be further ranked using building seniority.
 - b. The employee with the least seniority in the affected area will be considered first for transfer unless the principal/administrator offers to HR a satisfactory rationale for retaining the employee. HR will provide the rationale in writing to the transferred employee upon request. Rationale will be based on the best interests of the district, and may include but is not limited to licensure, endorsement, position specific qualifications, position specific training, assessment of performance, State of Kansas highly qualified requirements, extracurricular and/or academic support assignments.
- C. Itinerant Pool:** Will be used for educators whose schedule in a single building does not fulfill the professional day requirement. After consideration of the District's Staff Guidelines and based on the employee's contractual FTE, the following will apply:
1. The position will be submitted to the Human Resources Division indicating the FTE portion of the position that is available for the District's itinerant pool.
 2. District Initiated Transfer Due to Reduction of Staff at a Building will be implemented (Section IVB of this policy).
 3. Educators assigned to the itinerant pool for part of their FTE will have the opportunity to return to their prior FTE position when and if that position aligns with the District's staffing standards and appropriate professional day definition.

4. Educators transferred to another building for their full FTE contract will have that building considered the new assignment for any further reassignment/transfer/itinerant pool actions.

D. **Administrator-Initiated Transfer for Other Reasons:** The Superintendent or designee may initiate transfer of an educator for reasons other than reduction in staff at a school/site. Educators transferred under this provision will be given a reason for the transfer and may request a meeting to hear the reasons for the transfer. The employee is entitled to representation at the meeting.

V. **Reduction in Force**

Whenever possible, reduction of staff shall be accomplished by normal attrition. Reduction in force procedures shall be used when a reduction of personnel is necessary due to program elimination, insufficient enrollment in academic subject areas, grade levels, programs, or teaching fields, consolidation or modification of programs, decreased revenues, or any other reason which may require a reduction of personnel. Nothing in this provision shall be interpreted to diminish a professional employee's rights under Fair Dismissal (Due Process) policy (Policy GBL).

A. **Process**

1. A list of assignment areas shall be developed annually by the superintendent or designee and provided to the Professional Council by December 1 of each year. The following criteria shall be used when determining categories:
 - a. Subject area
 - b. Licensure requirements
 - c. State categories or identifiers, such as vocational and career status, special education.
 - d. Grade level
2. If a reduction in force is necessary, the superintendent or designee will identify the area of reduction using the list provided to the Professional Council. Human Resources will prepare a list of all staff members to be classified within the assignment area affected by the reduction in force.
3. Staff members on the list will be ranked by continuous years of service in Olathe USD #233.
 - a. If a professional employee has taken a leave of longer than one semester, that year will not count as a year of seniority.
 - b. If two or more employees are tied in continuous years of service, the board approval date will be the tie breaker.
 - c. If the board approval date is the same, the district may break the tie using considerations identified in "District Initiated Transfer due to Reduction of Staff at a Building: Factors for Consideration."
4. Reduction in staff will be made based on the list established in the process identified above in reverse order of seniority.
5. Personnel subject to reduction of staff procedures shall be provided written notification of reduction.

B. **Procedures for Callback**

Professional employees whose positions have been reduced under this provision are entitled to callback for 365 days following reduction, counted from the end of the individual contract. The Human Resources division will develop a list of staff members who have been furloughed and who are eligible for callback. Vacancies will be filled from the callback list if possible.

1. Staff members on furlough will be considered as part of a callback list based on the following:

- a. Suitable licensure for available position. Employees with expired licenses will be removed from the callback list.
 - b. Highly qualified status
 - c. Teaching experience in the available position within the last five years.
 2. For each posted opening, Human Resources will determine callback order based on the same three criteria. If employees have the same licensure, highly qualified status, and teaching experience, human resources may use supplemental assignments, prior building assignments, and teacher appraisals to determine order of callback.
 3. The employee may decline to be considered for callback two times without penalty. If a person on the callback list declines a third time, he/she will be removed from the callback list. A person may remove ~~his/her~~their name from the callback list for any reason.
 4. No vacancy will be filled by an external hire or internal transfer until the callback list for that assignment area has been exhausted.
 5. A person who is placed on the callback list and then re-employed from the callback list will not have an interruption in service. Such benefits as sick leave and other service-based credits will be restored to the employee. The person will be re-employed at the salary column and step at which he/she left the district.
 - a. If he or she has been employed for one semester or more in another position which would qualify for advancement on the salary schedule as defined in policy GBZEB, the employee will be entitled to whatever salary advancement has taken place in ~~his/her~~their absence.
 6. It is the responsibility of the professional employee on callback to maintain with Human Resources a contact number and email address at which the professional employee can be reached. Human Resources will document contacts to employees for callback.
 7. After callback rights have been exhausted, the district may re-hire a professional employee at the district's discretion. Re-employment in this case will be considered as re-employment following an interruption in service.
 8. If Human Resources makes a contact and there is no response within 96 hours, the District may call another person on the callback list or may hire from other applicants if no one remains on the list.
- C. **Procedures of Notification**
- Personnel subject to reduction of staff procedures shall be provided written notification of termination on or before the date established by Kansas statute for non-renewal of the contracts of professional employees (K.S.A. 72-2252 et seq.).