

SECTION 26. TRANSFER

(As amended December 10, 2002, and June 30, 2015)

26-1. Policy on transfer of employees.

- (a) Transfer of employees is a prerogative of management.
- (b) An involuntary transfer of an employee is not an adverse action or disciplinary action.
- (c) A department director need not consider an employee's performance rating before transferring the employee involuntarily.
- (d) Appropriate reasons for transferring an employee are:
 - (1) to benefit the transferred employee;
 - (2) to benefit another employee;
 - (3) to benefit the department or work unit;
 - (4) to benefit a program; or
 - (5) to resolve conflicts or other problems.
- (e) The following are examples of valid reasons for a department director to transfer an employee:
 - (1) a voluntary request from an employee to be transferred;
 - (2) a lack of funds;
 - (3) a change in the approved work program or plan;
 - (4) an administrative reorganization;
 - (5) a technological change that affects staffing;
 - (6) a change in an employee's physical or psychological condition;
 - (7) the resolution of a grievance or other issue affecting the operational efficiency of a unit or organization;
 - (8) training or development;

- (9) the need for additional personnel at a specific work site; and
 - (10) an investigation of an incident or charge involving the employee.
- (f) A department director must not transfer an employee unless the employee meets the minimum qualifications for the position to which transferred.

26-2. CAO's Authority to Transfer an Employee. The CAO may transfer or place an employee in any vacant position for which the employee meets the minimum qualifications:

- (a) in order to resolve a grievance, conflict or other problem;
- (b) to promote efficient operations in the County; or
- (c) under other circumstances where the CAO determines that such action is in the best interests of the County.

26-3. OHR Director's Responsibility to Transfer an Employee. The OHR Director may act on behalf of the CAO to transfer an employee under Section 26-2 above. However, a department director may appeal the OHR Director's decision to transfer or place an employee in a vacant position to the CAO for final determination.

26-4. Temporary transfers between public agencies. The CAO may enter into a reciprocal agreement with a public agency that is not a County-funded agency to arrange a voluntary detail of an employee for 12 months or less. The employee must remain an employee of the loaning agency. An agreement may provide that the receiving agency will reimburse the loaning agency for the cost of the employee's salary and benefits.

26-5. Transfers between County-funded agencies. The CAO may enter into a reciprocal agreement that provides for the temporary or permanent voluntary transfer of an employee from one County-funded agency to another.

26-6. Access to reciprocal agreements. OHR must maintain copies of active reciprocal agreements that provide for transfers or details between the County and other agencies and make them available to County employees upon request.

26-7. Appeal of transfer. An employee with merit system status may file a grievance over an involuntary transfer under Section 34 of these Regulations. The employee must show that the action was arbitrary and capricious.

Editor’s note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to transfers
Firefighter/Rescuer	5, Management Rights 11, Family Medical Leave 17, Special Duty Differentials 28, Transfers 48, Job Sharing Program 52, Paramedic Agreement
OPT/SLT	2, Management Rights 4, Voluntary Checkoff of Union Fees and Deductions 8, Seniority 22, Transfer 27, Reduction-in-Force 45, Family and Medical Leave Appendix VIII, Reasonable Accommodation Appendix IX, Performance Planning and Evaluation Procedures for Bargaining Unit Members

<p>Police</p>	<p>3, Agency Shop and Dues Checkoff 5, Tech Pay 6, Clothing Allowance 15, Hours and Working Conditions 25, Transfers 35, Vehicles 42, Management and Employee Rights 55, Job Sharing Program 59, Family Medical Leave Act 61, Directives and Administrative Procedures</p>
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