SUPERINTENDENT DIRECTIVE

SUBJECT: **EMPLOYEE LATERAL TRANSFERS AND VOLUNTARY DEMOTIONS**

AUTHORITY: Windham Board Policy (WBP)-02.00, "Windham School District Board of Trustees Responsibilities"; WBP-03.02, "Windham School District Superintendent Responsibilities and Authority"; Tex. Educ. Code § 19.009

APPLICABILITY: Windham School District (WSD) employees who work a 220-day schedule during the school year

EMPLOYMENT AT WILL CLAUSE:

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate an employee at will.

POLICY:

The lateral transfer or voluntary demotion of 220-day employees within the WSD shall be in accordance with the provisions of this directive. The WSD reserves the right to transfer employees within WSD to best meet the needs of the WSD. It is the intent of the WSD that current employees, who have been with the WSD for at least 12 months, be given first consideration for positions via the transfer process. To give employees access to this benefit, transfer requests will be given priority consideration to interview before vacant positions are opened to other applicants.

DEFINITIONS:

"Lateral Transfer" is a change in duty assignment from one position to another position in a salary group with the same minimum salary rate with similar levels of responsibility. Employees must meet the minimum qualifications established for the position to be filled.

"Transfer" is the voluntary demotion or lateral transfer of an employee from one position to another within the WSD.

"Voluntary Demotion" is an employee-requested change in duty assignment from one position to another position in a salary group with a lower minimum salary rate. Voluntary demotions are requested by employees for personal reasons and are not due to the imposition of a penalty through disciplinary action. Employees must meet the minimum qualifications established for the position to be filled.

PROCEDURES:

I. Submitting and Processing a Request

A. An employee who works a 220-day schedule and is seeking a transfer must send a completed Windham School District Voluntary Transfer Request Form, available on the share drive (HR/Public/TRANSFER), to the Department of Human Resources.

B. Human Resources will evaluate the requesting employee's eligibility as defined by Section II of this policy.

1. If the employee is deemed ineligible, Human Resources will send written notification to the employee with a stated reason for ineligibility.

2. If the employee is deemed eligible, Human Resources will enter the request into the appropriate database in order to compile the official transfer list and provide written notification to the employee.

C. The official transfer list shall detail employees with active transfer requests, the current and requested units of assignment, the current and requested job assignments, certifications if applicable, and the date of the request.

D. Employees must submit an updated request at the beginning of each school year. It is the employees' responsibility to remove their transfer request during the year if they determine they no longer want to transfer. Employees wishing to be removed from the transfer list shall notify Human Resources in writing.

II. Eligibility

Human Resources shall approve an employee's eligibility for transfer if the employee meets the following requirements.

A. The employee **must**:

1. Meet the minimum qualifications established for the position requested and

2. Have been employed with the WSD for a minimum of 12 months.

B. The employee **must not**:

1. Have received a disciplinary action or a performance evaluation rating of Non-contributor during the past 12 months;

2. Be currently designated as a Teacher in Need of Assistance;

3. Have pending charges of rule violations;

4. Have a probationary period in progress; or

5. Have received a lateral transfer or voluntary demotion within the past 12 months.

NOTE: A transfer shall not be approved if the transfer creates a violation of the WSD nepotism policy.

III. Selection

A. When a position becomes available, Human Resources shall check the transfer list and notify the appropriate supervisor if there are eligible candidates for the vacancy.

B. Upon notification from Human Resources, the supervisor with the vacancy shall have no more than 10 business days to interview the transfer candidates unless Human Resources is notified with proper justification.

C. If a selection is made:

1. The supervisor shall notify Human Resources of the transfer request date via email; and

2. Human Resources shall notify all appropriate personnel, via email, of the transfer date and location.

D. If no selection is made:

1. The interviewing supervisor shall notify Human Resources, via email, within three business days of the last interview; and

2. Human Resources shall post the position, on the WSD website, which will be open for anyone to apply including employees on the transfer list.

Signature on file
Dr. Clint Carpenter, Superintendent
Windham School District