

ARTICLE 39
TRANSFER/PROMOTION/RECLASSIFICATION

A. DEFINITIONS

1. A transfer is the change of an employee from one position to another position which is in a class having the same salary range maximum.
2. A promotion is the change of an employee from one position to another position which is in a class having a higher salary range maximum.

B. TRANSFER/PROMOTION OF EMPLOYEES

1. Whenever it is determined by the University that a vacancy in a career position within the bargaining unit is to be filled at a campus/hospital/Laboratory, the following procedure will apply:
 - a. Notice will be posted according to local campus/hospital/laboratory procedures, either in writing or electronically. If all posting is accomplished through the computer system, at least one printed posting will be available at the local personnel office or where application information is available. Unless the vacancy is restricted to internal candidates, it will be posted for at least 10 working days. Where there are varying posting periods these varying posting practices shall remain and continue.
 - b. A vacant bargaining unit career position shall be filled in the following order:
 - 1) By recall of an indefinitely laid off non-probationary career employee in accordance with Section F. of Article 13, -Layoff and Reduction in Time of this Agreement;
 - 2) By preferential rehire of an indefinitely laid off non-probationary career employee in accordance with Section E. of Article 13, - Layoff and Reduction in Time of this Agreement;
 - 3) By any other qualified applicant.
 - c. If, in the evaluation of the department head, two or more applicants are substantially equally qualified, the department head shall make the determination taking into consideration Article 21, - Nondiscrimination, Sections B.1. and B.3. and the University will maintain its Federal contractor status. The University shall give consideration to providing transfer and promotion opportunities for career employees. In considering an employee for transfer and promotion, the University shall consider the employee's University work performance and experience.

In those cases where the department head determines that qualifications of an applicant who is currently a University employee and qualifications of an external candidate are essentially equal, the department head shall

reconsider the credentials (including but not limited to, the resume, application, a written recommendation from the employee's supervisor, and/or interview responses, if any) of the University employee applicants(s).

- d. In addition, the University shall consider qualified employees who are eligible for reemployment in accordance with Section C. of Article 31, – Rehabilitation/Reasonable Accommodation and Section E. of Article 16, - Medical Separation of this Agreement.
 - e. The University at its sole discretion, on a location-by- location basis and on a vacancy by vacancy basis may, in the posting for vacancies to be filled, restrict the eligible applicants for the vacancy to current University employees.
2. Employees who are scheduled for a job interview at the same location as the employee's current position shall be granted reasonable time off with pay, as determined by the University, if the interview has been scheduled during the employee's normal work hours. An employee scheduled for an interview on another campus/hospital/Laboratory shall be granted reasonable time off with pay for an amount of time normally equal to the time that would be required for an interview on the employee's own campus/hospital/Laboratory.
 3. Upon promotion, an employee may be granted a salary increase to the minimum of the salary range for the new class or of one step in amount, whichever is greater, provided that the new rate does not exceed the maximum of the new class. The University at its sole discretion may, upon the promotion of an employee, determine that the employee should receive an increase of greater than one step in amount. The University may exercise this sole discretion on a location-by-location basis and on a promotion-by-promotion basis and on a non-precedential basis. In those instances where such discretion is exercised the resultant individual rate of pay shall not exceed the maximum of the position salary range.
 4. The University shall provide CUE with information concerning the number and classifications of bargaining unit positions posted which were restricted to current University employees, and the number and classification of bargaining unit positions where an employee was promoted and received more than a one-step increase. This information shall be made available annually for the period of April 1st through March 30th and provided to CUE during the month of May.
 5. In accordance with campus/hospital/Laboratory practice, the University shall inform employees of career development and/or training programs that might assist them with transfers and/or promotions.
 6. An employee who has been laid off and is rehired at another University location within the employee's period of recall will be eligible for the following as result of no break in service:
 - a. Reinstatement of all sick leave accumulated from prior service,

- b. Reinstatement of vacation accrual rate,
- c. Calculation of University service based on full-time equivalent months (or hours) of University service, and
- d. Buy-back of UCRP service credit according to the University Benefit Regulations

C. MOVEMENT BETWEEN POSITIONS/REASSIGNMENT AND REQUEST FOR RECLASSIFICATION

1. At each campus/hospital/laboratory the University will make reasonable attempts to inform members of the CX unit of the process for requesting a reclassification. Such information shall include, but not be limited to, a list of the materials required in a complete packet, the office to which the packet should be submitted, and how to request a review according to Section C.3 of this Article.
2. The designated University office will acknowledge to the employee receipt of a request for reclassification.
3. As soon as possible, but no later than 120 days from the date of receipt of the completed request for reclassification review in the designated University office, the University shall issue the results of the review in writing to the employee and the department.
4. An employee may request a review of a decision denying a reclassification. The request for a review shall be made in writing to the personnel department within 30 calendar days of the date on which the reclassification decision was issued. The request shall state the basis upon which the employee is requesting a review. The result of the review shall be issued in writing by a representative of the classification unit (personnel department at the Laboratory) other than the representative who issued the initial decision.
5. An employee whose position has been reclassified upward shall be granted a salary increase to the minimum of the salary range for the new class or of one step in amount, whichever is greater. The University at its sole discretion may, upon the reclassification of an employee, determine that the employee should receive an increase of greater than one step in amount. The University may exercise this sole discretion on a location-by-location basis and on a reclassification-by-reclassification basis and on a non-precedential basis. In those instances where such discretion is exercised the resultant individual rate of pay shall not exceed the maximum of the position salary range.

- D.** Decisions or actions taken or not taken with regard to transfer, promotion and reclassification are at the University's sole, non-grievable discretion and not subject to Article 6, - Grievance Procedure of this Agreement.