

ARTICLE 8 – VACANCIES AND TRANSFERS

CBA Subject	CBA Dates (Non-Layoff Year)	CBA Dates (Layoff Year)	Article
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- recently joined the District, and then backdating the anniversary date by the number of years previously served (based upon cumulative semesters during which the teacher served 75% or more of the time). In no case shall the anniversary date be earlier than the first required day of service in that school year.
- 8.1.4.2 — ~~Certificated service in the children's center shall count toward total District seniority, but the seniority is only applicable in the program where the certificated person is currently employed.~~
- 8.1.5 — ~~A **COMPELLING REASON** is defined as the need to meet credential and legal requirements, or special qualifications which can be documented.~~
- 8.1.6 — ~~A **TEMPORARY PERSON** as referred to in the Application and Placement section of this Article is one who is employed on a temporary certificated contract which includes the master contract entitlements for health and welfare benefits, salary, and sick leave.~~
- 8.1.7 — ~~A **SEVENTY-FIVE PERCENTER** as referred to in the Application and Placement section of this Article is one who was employed in a temporary certificated position or who has been serving as a long term substitute performing all of the duties of a regular teacher for at least ~~(seventy-five)~~ 75 percent (75%) of the days school was in session in the most recent school year.~~
- 8.1.8 — ~~A **NEW OFFER** as referred to in the Application and Placement section of this Article is one who has been offered a certificated contract with the District for the next school year.~~
- 8.1.9 — ~~A **NEW APPLICANT** as referred to in the Application and Placement section of this Article is one who is not currently employed in a certificated position in the District but one who applies for a position in the District.~~
- 8.1.10 — ~~A **LONG TERM SUBSTITUTE** as referred to in the Application and Placement section of this Article is a substitute who the District anticipates will remain employed for more than 90 consecutive work days and who is so informed by the District at the time of hiring or at the time of change from day-to-day substitute status.~~
- 8.1.11 — ~~A **DAY-TO-DAY SUBSTITUTE** as referred to in the Application and Placement section of this Article is a substitute who is hired as needed to fill a certificated position.~~
- 8.1.12 — ~~**IN-DISTRICT PERMANENT PERSONNEL** as referred to in the Application and Placement section of this Article are those who have gained tenure in the District; or in the case of application for positions to be filled in the next school year, persons who will gain tenure the beginning of that next school year.~~
- 8.1.13 — ~~**IN-DISTRICT PROBATIONARY PERSONNEL** as referred to in the Application and Placement section of this Article are those in probationary status except as referred to in 8.1.12.~~

8.2 GENERAL PROVISIONS

8.2.1 ~~No teacher shall be transferred nor denied a transfer request arbitrarily, capriciously or without basis in fact. District decisions regarding the filling of vacancies or transfers shall not be arbitrary or capricious.~~

8.2.2 ~~Applications for voluntary transfer may be filed whenever a Notice of Vacancy is posted by the District. Application forms for transfer shall be available online or in the Human Resources Office. Any teacher whose assignment involuntarily changes during the school year pursuant to this Article shall be provided one (1) non-teaching day prior to the beginning of the new assignment for the purpose of relocation, orientation and lesson planning.~~

8.2.3 ~~If an applicant is not selected for a specific position for which he/she applied, school site or administrative unit shall, upon written request, provide the applicant with a written statement of the reasons therefore. To assist with staffing, any unit member who submits his or her retirement or resignation by but no later than January 31 for a retirement or teciئتposevidet or r~~

~~8.2.11 Any teacher transferred during the times that schools are in regular session shall be provided one (1) non-teaching day prior to the beginning of the new assignment for the purpose of relocation, orientation and lesson planning.~~

~~8.2.12 No teacher shall be involuntarily transferred more than once during any one (1) school year.~~

~~8.2.13 Full-time probationary personnel may not apply for a voluntary transfer.~~

~~8.2.14 All positions filled by a person on a temporary contract, on a limited term assignment, or long-term substitute which are to be continued, shall be declared vacant the last day of the second semester and shall be made a part of the vacancy list for Step 1 placements unless the position is being held for a permanent teacher.~~

- ~~Email to the designated Association representative(s)~~
- ~~Email to teachers~~

Advertisement: The District shall advertise vacancies on its website for no less than four (4) work days and notify unit members and designated Association representatives of vacancies by email. Advertisements shall

~~8.4.9.2 When the number of secondary school counselor positions is reduced in a non-layoff situation (school closure, consolidation, or overstaffing), the least senior secondary counselor(s) who is/are credentialed and experienced as a classroom teacher will be placed in the surplus teacher pool. The vacancy(ies) created will be filled by the more~~

~~subsequent vacancies occurring after April 10th will be made available to remaining surplus teachers under Step 1 B below. If it is determined that a position has been hidden to avoid its inclusion in the Step 1 process, the position will be posted and awarded according to the step 1 procedures set forth in this section, regardless of the time of year.~~

For Step 1 "q

- b. ~~bargaining unit member(s), from the school site, selected by the bargaining unit staff assigned at the school site; priority shall be to include grade level and/or subject area, where applicable.~~
- c. ~~At newly opened sites, SCTA will appoint panel members.~~
- d. ~~Other participants mutually agreed upon by the principal and SCTA representatives on the committee.~~

8.5.2 **Step 1A – Resulting Positions (Classroom)**

~~Classroom positions that become available or open as a result of in-District permanent classroom teachers accepting positions at other sites/departments, per 8.5.1 will, after any local assignment changes, be incorporated into the surplus pool.~~

Eligibility for transfer: Unit members must meet minimum experience and qualification requirements and may not be in probationary status in order to be eligible for transfer into vacant positions, except that probationary unit members may apply for vacant positions for the school year in which they are eligible for permanent status. Probationary employees are also allowed to apply to any position during the closed period that would allow them to increase up to 1.0 FTE.

8.5.3 **Step 1B – Surplus Placement** Application and selection process: Vacancies shall be advertised pursuant to Section 8.3.2.

- 8.5.3.1 a. ~~Unless by mutual agreement between the Association and the District, surplus placement shall be completed by no later than April 30th. The parties shall mutually agree on the time and District location of surplussing. It shall not be during spring break. Only surplus personnel per 8.4.1, 8.4.2.1, and 8.4.2.1.1 shall be placed for the following school year during this period. Surplus placements for teachers not placed during the surplus process may be ongoing until such teachers are placed.~~
- b. ~~All surplus personnel shall be contacted by the Human Resources Office. Each surplus employee shall have the opportunity to select two (2) positions in which he/she is interested and the employee shall be placed in one (1) of the identified positions. Such selections shall occur in the seniority order of the surplus employees. If only one choice remains and the position is one that is acceptable to the surplus employee, that position shall be awarded to the surplus employee.~~
- c. ~~If no position is available for which a surplus teacher qualifies during the surplus process, the surplus teacher will be placed on a priority and seniority basis in the first available position for which he/she qualifies, including those positions which open in Steps 1 and 2. Such positions need not be advertised. Should two or more positions for which such teachers qualify become available at the same time, the teachers shall choose from among the positions on a seniority basis.~~

~~8.5.3.3 Non-classroom teachers in indicated positions (classifications) who have no return rights~~

~~8.5.4.2.1 — The parties intend that long-term substitute teachers assigned authorized, permanent, positions because regular credentialed teachers are not available for these positions will remain in the assignment until the end of the school year or until the employee is terminated. The position will then be posted for the following year. For the purposes of this provision, long-term substitute means:~~

- ~~a. — employees who are provided a contract indicating their status;~~
- ~~b. — the contract indicates the fringe benefits provided in conformance with this collective bargaining agreement;~~
- ~~c. — the employee is authorized pursuant to law to serve in the position;~~
- ~~d. — the employee may be terminated at any time pursuant to Education Code section 44953 or 44954. The District and SCTA will consult regarding providing special help or support for these teachers.~~

~~8.5.4.3 If a clear, open and vacant position is filled during this step by a permanent District teacher or qualified applicant, the position shall be classified as a regular position.~~

~~8.5.4.4 All surplused contracted teachers who do not have an assignment by August 1 may be placed directly. At the time of such placement, should there be two or more positions for which such teachers qualify, the teachers shall choose from among the positions on a seniority basis.~~

~~8.5.4.5 Positions that become vacant after January 15th and filled subsequently for the remainder of that school year shall be designated as limited term assignments and become available during Step 1 for the following school year.~~

~~8.5.4.5.1 — Notwithstanding, Child Development teachers may be placed year-round as regular assignments in clear, open, and vacant positions.~~

~~8.5.4.6 Selection from among the candidates shall be made by the District/principal or designee(s), based on and following the recommendation from the interview panel. The~~

8.5.5 Unit members may apply for transfers to take effect at the beginning of the subsequent school year between March 16 and April 15 of each year pursuant to section 8.3, and will be considered for transfer to any position for which they are credentialed and qualified.

8.5.6 If there is no one qualified for the remaining vacant

