

## **GREEN BOOK: ARTICLE 45. VOLUNTARY TRANSFERS**

### **Section 1. Policy**

- A. The Employer will consider requests for voluntary lateral transfers in accordance with this Article. When filling bargaining unit employee vacancies by lateral transfer, the Employer retains the right to select from among those who apply pursuant to the provisions of this Article. Voluntary lateral transfers will be made at the expense of the employee and during non-duty hours, i.e., approved leave status, except in those cases where it can be clearly shown to be advantageous to the Government. Nothing in this Article will be construed as a waiver of the Employer's 5 U.S.C. 7106(a) rights or the Union's rights.
- B. Voluntary transfers will be made between positions with identical official and/or working titles, e.g., SITC Officer to SITC Officer, Technician to Technician, etc. Voluntary transfers will not be permitted between positions with different titles, e.g., Pest Survey Specialist to Plant Health Safeguarding Specialist, etc.

### **Section 2. Established Employee Priority Transfers**

When filling vacancies, the Employer will give consideration to the lateral transfer list.

### **Section 3. Voluntary Downgrade Transfer**

Any employee taking an employee initiated voluntary downgrade transfer will apply through the provisions of this Article.

### **Section 4. General Procedures**

The Employer will provide employees the opportunity to indicate in advance those locations to which they desire to laterally transfer. When using the Lateral List to fill a position, the Employer will consider each eligible employee who has requested that location for a position with the same job title.

### **Section 5. Transfer Eligibility Provisions**

Eligibility for transfers other than hardships will occur when the following conditions have been met:

- A. New Hires become eligible to apply for lateral transfer:

1. After serving eighteen (18) months from the date of entrance on duty,
2. Satisfactorily completing mandatory condition of employment training,
3. Minimum fully successful performance evaluation, and
4. Subject to satisfying other factors such as performance improvement plans or discipline related adverse actions.

B. Journey-people

1. Twelve (12) months on duty at existing current official duty station, except for return transfers necessitated by RIF/Bumping procedures and directed reassignments,
2. Minimum fully successful performance evaluation, and
3. Subject to satisfying other factors such as performance improvement plans or discipline related adverse actions.

C. The Employer will consult with the Regional Level of the Union on waivers of eligibility requirements for other extraordinary circumstances.

## **Section 6. Lateral Transfer Procedure**

The Employer will observe the following lateral transfer procedures once finalized:

The Employer and the Union will complete a negotiated memorandum of understanding within six months of the effective date of this contract detailing how the Employer in concert with its business services will administer a computerized database for maintenance of Voluntary Lateral Transfer Lists. If agreement is not concluded within the six months, this Agreement will be reopened and this Section will be negotiated to conclusion utilizing the Ground Rules in effect for negotiation of this Agreement.

The following parameters will be incorporated into the database as part of the procedure:

- A. Each employee's application will have a two (2) year life of eligibility calculated from the date of filing the most recent application or change application.
- B. Employee changes will be made no more often than once every six (6) months.
- C. There will be a check box on the site/position selection form or data entry point for each job series/title at each location with type availability posted.

- D. An eligible employee may apply to the Voluntary Lateral Transfer List at any time.
- E. The lists will be posted electronically (bulletin board or internet) as read-only output accessible to all employees.
- F. The initial application may be submitted by mail, or, when available, by electronic means.
- G. The list(s) will indicate the continuous duration in months that an individual employee has indicated an interest in a particular location.
- H. The Employer will issue special announcements if original conditions change (new station, paid move status, etc.);
- I. The Employer will permit a transfer which has been approved, but is delayed to take effect at the end of the delay if the vacancy is still available;
- J. Exceptions to the prescribed procedures will be granted in individual cases for extenuating circumstances if mutually agreed to by the appropriate Regional Vice President and Regional Director/designee.

## **Section 7. Hardships**

Any employee may request a lateral transfer for reasons of personal hardship by submitting a request in writing to his/her Regional Vice President. The employee is required to substantiate the hardship. Substantiating literature will be included with the written request. Within the written request, the employee will indicate which of the four reasons below he/she contends is applicable to the hardship request. The Regional VP will then submit all information to the Regional Director/designee. The Regional Director will inform the Regional Vice President and the affected employee of the decision for a hardship transfer.

Reason One:

Hardships caused by emergency situations. These typically would be medical and family type emergencies which need immediate action. The emergency involves the employee or a family member. (Family member means the following relatives of the employee: (a) spouse, and parents thereof; (b) children, including adopted children, and spouses thereof; (c) parents of the employee including step-parents; (d) brothers and sisters including step-brothers and sisters, and spouses thereof; and (e) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship). This does not mean that an employee will be granted a transfer if there is no vacancy at the desired location. It does mean that the employee will have priority over other hardships to that location.

Reason Two:

If for example, the Employer relocates an employee because of a directed reassignment.

Reason Three:

Hardships caused by situations not created by the Employer which have a highly traumatic effect upon the employee. If, for example, a spouse who is not a part of the PPQ structure found a job in a distant location, the acceptance of that position creates difficulty or hardship for a member of the bargaining unit; marriage, engagement; etc.

Reason Four:

Hardships caused by situations not created by the Employer which are less traumatic. These situations cover many contingencies that are not covered in the previous categories.

## **Section 8. Swaps**

Employees seeking to swap positions must work out the details between themselves in conjunction with their respective Regional Vice Presidents. The Regional Vice Presidents will then forward the requests to the respective Regional Directors for consideration. Swaps will be considered only between employees of similar qualifications, titles, series, and grades.

## **Section 9. Exclusion**

Excluded from this Article are those positions which are to be filled by employees affected by reduction-in-force, reassignment in lieu of RIFs, reassignment under RIF procedures or transfer of function.