

**ARTICLE 41
TRANSFER/PROMOTION/RECLASSIFICATION**

A. GENERAL PROVISIONS

Until a campus/hospital/LBNL implements an electronic recruitment system, a notice of vacant positions shall be distributed and/or posted in accordance with current practice(s). Prior to implementing an electronic recruitment system, the campus will provide to all employees information about the employee application process under the new system. Any new electronic recruitment process shall be generally accessible to employees and shall have a method available for employees to determine classifications or positions that are generally available to all employees for application, in accordance with the campus system. Upon written request, the University shall provide or make accessible to UPTE a regular list of and information about positions that are under recruitment.

B. RELEASE TIME FOR UNIVERSITY INTERVIEWS

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 a job interview at a campus/hospital/LBNL other than where the employee is currently employed shall be granted reasonable time off with pay, as determined by the University, for an amount of time normally equal to the time that would be required for an interview on the employee's own campus/hospital/LBNL, if the interview has been scheduled during the employee's normal work hours.

C. FILLING VACANT POSITIONS

1. An active vacant bargaining unit position shall be filled in the following order:
 - a. by recall of a qualified indefinitely laid off non-probationary career employee in accordance with Article 16 - Layoff and Reduction in Time
 - b. by preferential rehire of a qualified indefinitely laid off non-probationary career employee in accordance with Article 16 - Layoff and Reduction in Time
 - c. by any other qualified applicant.
2. When "other qualified applicants" are substantially equally qualified, the University shall first consider providing transfer and promotion

opportunities to qualified career employee applicants, including considering their work performance history and experience.

3. In those instances where the University is considering the employment qualifications of individuals available for reasonable accommodation or reemployment following medical separation, the provisions of Section C.1. need not apply.

D. EMPLOYEE TRANSFERS/PROMOTIONS

1. In considering an employee for transfer and promotion, the University shall consider the employee's University work performance and experience.
2. Upon promotion, an employee shall be compensated at a rate at least equivalent to the minimum of the salary range of the new class. In addition, the University at its sole discretion may determine that the employee should receive an increase to greater than the minimum of the salary range of the new class. 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.
3. Upon upward reclassification, an employee shall be granted at least a salary increase to the minimum of the salary range of the new class, with at least a four percent (4%) increase, provided that the new rate does not exceed the maximum of the new class.
4. In accordance with campus/hospital/LBNL practice, the University shall inform employees of career development and/or training programs which might assist them with transfers and/or promotions.
5. An eligible 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, only if the employee is eligible for recall, as a 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 UCRS service credit according to the University Benefit Regulations.

6. Decisions or actions regarding the promotion or transfer of an employee are not subject to the Grievance and Arbitration provisions of this Agreement.

E. MOVEMENT BETWEEN POSITIONS/REASSIGNMENT AND REQUESTS FOR RECLASSIFICATION

1. Request for Classification Review

- a. An employee may request a review of the classification of her or his position. The review shall be based on the employee's job description, as approved by the employee's supervisor.
- b. If the employee makes the request for review of a classification and the supervisor fails to respond within thirty (30) calendar days, the employee may forward the request to the designated University office responsible for classification review.
- c. The response from the University office shall be directed to the supervisor with a copy to the employee.
- d. The University's decision to reclassify or not to reclassify is not subject to the Grievance and Arbitration provisions of this Agreement. However, an employee may request a review of a decision denying a reclassification. The request for a review shall be made in writing to the Human Resources Office within thirty (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 Human Resources Office. The representative who issues the second decision may not be the same individual who performed the initial review.

2. Salary Adjustments

- a. Any salary increase resulting from a reclassification shall be retroactive to the first of the month following the date on which the request to the designated University office was received.
- b. Upon movement between positions with different salary range maximums, or the reclassification of the employee's position, an employee shall receive a salary that is within the range of the new classification.