

**Attachment 5.a. to Pre-Arbitration Settlement Agreement
Dated September 27, 2005**

Administrative Transfer Process
For Involuntary Transfers (Article 12.7.1)

Administrative Transfers are included in the collective bargaining agreement to provide a process to address behavior/actions and their impacts that cannot be addressed through Article 14 – Evaluation or Article 34 – Letters of Reprimand and Suspensions.

Administrative Transfers cannot be based on bargaining unit member's actions that are protected (e.g. SDEA meetings, representing SDEA members at conferences, working to rule, etc).

When the bargaining unit member's action is not protected, the site administrator is to determine if the action can be addressed through Article 14 – Evaluation or Article 34 – Letters of Reprimand and Suspensions.

When the bargaining unit member's action is neither protected nor addressable through Article 14 or Article 34, the procedure outlined below will be followed:

1. It is the site administrator's belief or discretion to consider recommending an Administrative Transfer. The behavior/actions that lead to the consideration of an Administrative Transfer must be based on the negative impact of the behavior/action and in the best interests of the district, school, pupils, and the unit member (Article 12.7),
2. There must be a factual basis for the contemplated transfer. The site administrator's belief is to be based on negative impacts at the site that are supported with documentation (evidence).
3. Notice: If the site administrator believes there is evidence to support the possible Administrative Transfer, the site administrator shall meet with the bargaining unit member to discuss the behavior/action, its negative impact and the possible consequences of continuing the behavior. Specifically, the possibility of an Administrative Transfer must be discussed:
 - a. During this conference, the site administrator shall notify the bargaining unit member of expectation(s) for future behavior(s) and a time frame to meet those expectation(s).
 - b. In addition, as appropriate, the site administrator will inform the bargaining unit member of supports that will be provided to mitigate the behavior/action.
 - c. Throughout this process, the site administrator shall create a written record of the conferences and interventions with the bargaining unit member. The written record shall not be placed in the site or central office personnel files' of the bargaining unit member. The unit member shall receive copies of all documentation and have the right to respond.

4. When the site administrator determines they will recommend an Administrative Transfer, the unit member shall receive notification as required in Section 12.7.1.1.
5. The division administrator makes final determination on the recommendation. If the recommendation is approved, the division administrator will notify the bargaining unit member in writing:
 - a. This notification shall occur at least three (3) workdays in advance of the transfer as required in Section 12.9.1.
 - b. Article 12.7.1.4 of the Collective Bargaining Agreement regarding administrative transfers remains intact and this agreement does not supersede that provision.