

ARTICLE 45.1M--FILLING OF VACANCIES (ODHS-OHA)

Section 1. Hardship Transfers.

- (a) Non-Volitional Economic Transfer: The transfer of a spouse or other immediate member of an employee's household to a new location.
- (1) A qualified economic hardship may include a non-volitional job transfer of a spouse or domestic partner, or a joint custody stipulation when the employee has obligation for the care of a child(ren) more than two (2) weeks each month.
 - (2) A non-volitional economic hardship would not include a joint agreement where the employee has a weekend-only stipulation or custody during the summer breaks.
- (b) Non-Volitional Medical Transfer: A documented serious medical need that can only be met through a transfer. The medical need must be a permanent or chronic condition of the employee, or a member of the employee's "immediate family," as defined in Article 56, Section 2 of this Agreement. The employee must have primary responsibility for the family member.
- (1) A non-volitional medical hardship may include kidney dialysis if treatment is not available locally, an employee becomes the primary care provider for an immediate family member, or the employee or employee's immediate family member is medically required to relocate.
 - (2) A non-volitional medical hardship would not include temporary medical conditions or voluntary changes in medical providers.
- (c) Non-Volitional In-home Care Transfer: The transfer of an employee to provide necessary in-home, long-term personal care of a member of the employee's "immediate family", as defined in Article 56, Section 2 of this Agreement. The employee must have primary responsibility for the family member's care or coordination and/or supervision of such care, in the employee's home.
- (1) A non-volitional in-home care transfer may be predicated on disability or age, or combination of the two (2). "Disability" is defined by a person who has a physical or mental impairment that substantially limits one (1) or more major life activity. "Age" refers to the care recipient's age, which must be sixty-five (65) or over at the time of the request. Requests may be subject to verification of disability and/or age, and the employee as the only viable option for the family member's care.
 - (2) Nothing in this Article prohibits a request under Section 4(b) where applicable.
- (d) Eligibility: To be eligible, an employee must not have been subject to discipline, as defined in Article 20, within the previous twelve (12) months and the transfer must be in excess of fifty (50) miles for medical transfer or seventy (70) miles for economic (non-medical) transfer from an employee's current worksite to a new worksite location. An employee may request consideration for a non-volitional economic or medical transfer by submitting a written request for a hardship transfer to the **ODHS or OHA Human Resources** Administrator, or designee. The Administrator or designee will review the request and notify the employee of the outcome. Employees may grieve denials based on ineligibility starting at Step 2 of the grievance process.
- (e) Hardship Transfer Review Committee: The Committee will consist of two (2) representatives and one (1) alternate from both management and the Union. Management and the Union will each select their own representatives. The Committee will determine whether the requesting employee meets the hardship transfer criteria.
- (1) Within three (3) working days from the date of receipt, **ODHS or OHA Human Resources** will forward all eligible employee requests for hardship transfer consideration to the Committee.
 - (2) The Committee will review requests and related documentation and confer with the employee as needed. The Committee will provide a written decision to the employee and **ODHS or OHA Human Resources** within fifteen (15) calendar working days. Once the written decision is made, the transfer should happen as soon as a available position becomes available.
 - (3) In instances where an employee meets all of the criteria for a non-volitional transfer except for the transfer being in excess of fifty (50) miles for medical transfer or seventy (70) miles for economic (non-medical) transfer from the employee's current worksite to new worksite location, the Hardship Transfer Review Committee will have the discretion, where the members are in agreement, to approve an economic transfer for a distance of fifty (50) to seventy (70) miles and/or for a virtual remote worksite. If an employee does not meet the distance requirements above, then the committee shall consider a fully remote work assignment for the employee.
 - (4) Decisions of the Committee are binding. All Committee members must agree that the employee meets the hardship transfer criteria. Should the Committee not reach agreement, the request will be denied.
 - (5) Decisions of the Committee are not grievable.
- (f) Hardship Transfer Qualifications: **ODHS or OHA Human Resources** will determine if the employee meets the qualifications of the position in advance of placement. To qualify for a vacant position, the employee must meet the minimum qualifications for the classification, specific requirements for the position, and be able to perform the duties with minimal orientation. The requesting employee may grieve qualification decisions made by **ODHS or OHA Human Resources**.
- (1) Employees will be considered for vacant positions in order of receipt of request.
 - (2) When multiple appropriate vacancies exist within a geographical area, management retains the right to

select the worksite.

- (3) Employees who refuse an appropriate transfer offer will no longer be considered for a hardship transfer based on that request and may not resubmit a request for the same circumstance.

Section 2. Promotions and Voluntary Lateral Transfer.

- (a) The Agency is committed to promote or transfer within and therefore will provide notice of promotional opportunities, new positions, and vacancies to be filled. For the purpose of this section, ODHS and OHA shall be considered the same agency.
- (b) Employees may apply for transfer through the state human resources information system (HRIS).
- (c) A supervisor who is hiring may consider transfer candidates only or may consider transfers, promotional and other candidates. Lateral transfers to the same classification and/or promotional candidates who meet the minimum qualifications, special qualifications and all essential attributes listed in the job posting shall be considered and offered an initial live interview. Vidcruiter is not considered a live interview. (not including 'VidCruiter' or other electronic screening tools) prior to utilizing external recruitments of other state agency employees or external applicants (**bargaining note, 45.5i). Internal transfer candidates who are transferring within in the same job classification and similar work duties shall be prioritized over external candidates.
- (d) External candidates will be vetted through the same interview process as internal candidates. Internal candidates will not be subject to any additional requirements as compared to external candidates.
- (e) An employee who is interviewed and not selected for promotion or transfer may request and shall receive in writing an explanation of the reasons they were not selected.
- (f) An employee who meets the minimum qualifications and is not offered an interview may request and shall receive in writing an explanation of the reasons they were not selected.
- (g) To determine the competitiveness of Agency employees, the Agency agrees to review and analyze, on an annual basis, the hiring trends within the Agency. This information will be shared with the Labor/Management Committee.
- ~~(g)(h) The employer is committed to facilitating a promoted employee's transition into their newly appointed role in a timely manner with reasonable performance expectations.~~
- ~~(h)(i) Generally speaking, no employee shall be required to work outside of their current salary classification as a result of getting promoted into a new position. (bargaining note, this is about the bulk of their work. We understand that the State reserves the right to add 10% of duties as assigned. . .) In this event, those employees shall not be subject to workload/performance related discipline and the State shall take all necessary steps to support the promoted employee, including immediately finding a replacement for their former position.~~

Section 3. Operational Needs Transfer.

- 1.1 To meet the operational needs of the Department, the Appointing Authority has the right to reassign employees as necessary in accordance with the selection procedures described below. Reassignment includes but is not limited to a change in official workstation and/or unit transfers within the same classification. Management will determine, in advance of the reassignment, the required classifications, number of positions and level of experience needed. To qualify for a position, the employee must meet the minimum qualifications for the classification, specific requirements for the position, and be able to perform the duties with minimal orientation.
- 1.2 Selection will be made in the following order:
- 1.3 The most senior qualified volunteers who meet the Department requirements will be selected first.
- 1.4 Other volunteers from the workstation from which the position is being reassigned will be given consideration.
- 1.5 In the absence of volunteers, the least senior qualified employees will be selected in reverse seniority order.
- 1.6 The Department will notify an employee in writing thirty (30) days in advance of a transfer involving a change in the employee's official workstation of twenty-five (25) miles or more.
- 1.7 If the change is less than twenty-five (25) miles, the Agency will notify the employee in writing five (5) working days in advance of the transfer, when feasible.
- (a) The contract language above (Section 3. Operational Needs Transfer) shall apply to all non-disciplinary reassignments regardless of the basis for the operational need including the need to dissolve, reduce, or fill a vacancy in a unit, including building closures and/or the relocation of programs and/or worksites.

Section 4. Specific Employee or Program Transfer. The Department may transfer a specific employee for reasons such as training, deficient performance, discipline, special qualifications or job functions. The Department may also transfer entire programs. The Department will notify the affected employee(s) in writing five (5) working days in advance of the transfer. The Department will notify the affected employee(s) in writing thirty (30) days in advance of transfers involving a change in the employee's official workstation of twenty-five (25) miles or more.

Section 5. Temporary Work Re-Assignment. A temporary work re-assignment that requires an employee to work from a different worksite, as defined in Article 70.1M—Layoff, shall be less than six (6) months. If a temporary work re-assignment will last longer than six (6) months, the Agency will notify the employee and Union in writing of the anticipated duration of the extension, prior to extending the assignment. Any applicable private vehicle mileage reimbursement will be in accordance with DAS Statewide Travel Policy 40.10.00. The Agency will notify an employee in writing thirty (30) days in advance of a temporary work re-assignment involving a change in the employee's worksite of twenty-five (25) miles or

more, unless mutually agreed to waive the timeframe. If the change is less than twenty-five (25) miles, the Agency will notify the employee in writing five (5) working days in advance of the temporary work re-assignment, when feasible.

Section 6. Posting of Vacancies. At the point the Department proceeds to fill a vacant position by open competition, lateral transfer or promotion, such information will be publicized within the Department for a minimum of seven (7) calendar days.

Section 7. Order of Lists. The Department layoff list will take precedence over any other method of selection or list. Qualified hardship transfer candidates will be selected before any lateral transfer, department promotion or open-competitive candidate.

Section 8. Interview Feedback. Any Department candidate interviewed, but not selected for a vacant position, may request feedback. The employee may request to have the feedback provided orally or in writing and the hiring supervisor will respond accordingly. Both the request and response will be timely.

Evan Paster-Pearl

Evan Paster-Pearl (Jul 8, 2025 15:56 PDT)

07/08/25

Joshua Wetzel

Joshua Wetzel (Jul 9, 2025 07:01 PDT)

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