



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part I – Administrative Services



*Subject:*

#### Employee Hardship Transfers

*Section – Policy Number:*

**D: Personnel Management – 3.17**

*Supersedes:*

**None**

*Effective Date:*

**03/27/2025**

*Date of Last*

*Revision/Review:*

**None**

#### Related Standards and References:

- DAS statewide policy [50-010-04](#) Workplace Effects of Domestic Violence, Harassment, Sexual Assault, and Stalking
- [Collective Bargaining Agreements](#): AFSCME Local 191; SEIU
- OYA form: [YA 2307](#) Employee Hardship Transfer Request

#### Related Procedures:

- None

#### Policy Owner:

Human Resources Administrator

#### Approved:

  
Jana McLellan, Interim Director

## I. PURPOSE:

This policy establishes guidelines for employee transfers between OYA work locations based on a medical or family welfare situation, balancing the employee's need with the responsible staffing and operation of OYA.

## II. POLICY DEFINITIONS:

**Family member:** An employee's parent, spouse, child, sibling, grandparent, grandchild, son-in-law, daughter-in-law, or another member of the immediate household, including the Public Employees' Benefit Board definition of domestic partners in which 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.

**Hardship transfer:** A work location transfer based on a non-volatile economic, domestic violation, medical, or family welfare situation, where an employee may not have to go through a competitive process to transfer.

## III. POLICY:

OYA is committed to fostering a diverse, equitable, and inclusive workplace that supports its employees' well-being and work-life commitments. This policy establishes guidelines for a fair and compassionate process for employees facing extraordinary personal or family circumstances. It allows them to request a

transfer to a more suitable location and role, balancing agency operational needs with the employee's job retention.

This policy applies to all permanent represented OYA employees (not temporary employees) when not in conflict with an applicable collective bargaining agreement. Staff must have an emergency qualifying hardship to qualify for a hardship transfer.

Qualifying hardships include medical, non-volatile economic, and domestic violation situations as described herein.

#### **IV. GENERAL STANDARDS:**

##### **A. Qualifying hardships**

##### **1. Medical**

A hardship is considered when there is a 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 (defined above). The employee must have primary responsibility for the family member.

- a) Situations for transfer include treatment being unavailable locally, the employee becoming the primary care provider for an immediate family member, or the employee/immediate family member being medically required to relocate to receive required ongoing/routine treatments.
- b) An employee who is required to provide necessary in-home, long-term personal care based on disability or age (65 or older) for a family member qualifies as a medical hardship situation.

Employees may be required to provide verification of disability or age, and the employee must be the only viable option for the family member's care.

- c) An employee who is required to provide special education needs for an immediate family member child related to physical or mental disability qualifies as a medical hardship situation.
- d) Temporary medical conditions or voluntary changes in medical providers are not situations for transfer.

##### **2. Non-volatile economic hardship**

Employees may qualify as a non-volatile economic hardship when their spouse or domestic partner has received a non-volitional job transfer.

This also includes situations where the employee has a joint custody stipulation obligation to care for a child(ren) for more than two weeks each month, and the joint custody party has received a non-volitional job transfer.

3. Domestic violence

Situations under domestic violation hardships are defined and ruled under DAS policy 50.010.04 Workplace Effects of Domestic Violence, Harassment, Sexual Assault, and Stalking.

B. Eligibility requirements

1. Employees must complete a YA 2307 Employee Hardship Transfer Request form and submit it to their supervisor or the Human Resources office.
2. The employee's current worksite location must be at least 50 miles from the requested hardship transfer location.
3. The employee must have passed six months of a trial service period.
4. The employee must not have been subject to disciplinary action in the prior six months or be currently under investigation. This includes if the employee is under a performance work plan. Work protections/accommodations will be made in accordance with applicable laws.
5. A vacant position must be available in the employee's same classification. The position may have already been posted for recruitment.
6. The employee's supervisor or manager must provide a letter or email to Human Resources explaining the specific circumstances of the request, indicating the requested remedy, and explaining why the proposed remedy is the best or only acceptable option.
7. If the hardship transfer is approved, the employee must be ready to relocate, assume a new schedule, and be immediately available for work within 30 calendar days of being offered the position.

C. Request process

An employee's request for a hardship transfer must be considered on a case-by-case basis, taking into account the agency's operational needs.

1. The Human Resources analyst (HRA) assigned to the area must meet with the employee and the receiving/sending managers to review the request. A union steward may participate in the meeting upon the employee's request.

2. The Human Resources administrator or manager must meet with the HRA to review the application, determine whether it meets the criteria described in this policy, and make the final determination.
3. A determination must be made within 45 calendar days from the date Human Resources receives the completed YA 2307 Employee Hardship Transfer Request form. The Human Resources manager must approve any extension.
4. The HRA must ensure the employee is notified of the decision by certified mail within two business days of the decision. If available, the HRA must also send the notification to the employee's personal email.
5. Relocation allowances are not available or reimbursable in hardship transfer cases.
6. If the hardship transfer is denied, the employee or union steward may grieve the decision based on ineligibility, starting at step 2 of the grievance process.

D. Removal from the hardship transfer list

1. An approved employee must be removed from the hardship transfer list for the following reasons:
  - a) They are offered a position to transfer, including if they decline the offer;
  - b) They did not respond to Human Resources within seven calendar days of receiving the offer;
  - c) They are unable to report to the new worksite within 30 calendar days of the position being offered;
  - d) The circumstances of the hardship transfer are no longer valid before the offer has been made; or
  - e) Upon the employee's request.
2. After an employee is removed from the hardship transfer list, they must submit a new request to be considered for a continued or new hardship transfer.

**V. LOCAL OPERATING PROTOCOL REQUIRED: NO**