

POLICY ON LATERAL TRANSFERS (Revised March 2006)

INTRODUCTION

1. The general rule that the parties have adopted about vacancies in the bargaining unit is that they are to be posted.
2. We have adopted specific rules in the collective agreement about not posting for particular reasons. For example, where a vacancy could be used by a person facing layoff, the surplus employee is assigned to the vacancy without posting.
3. The language of Article 6.6.1, lateral transfer, does not confer a right to be assigned to a vacancy without posting, it is a privilege. The language reads: ... "may be assigned to a vacancy" and is conditional on approval of the employer, the union and the employee.
4. Assignment without posting, via a lateral transfer, can also come only after persons being assigned due to re-organization under Article 7, surplus under Article 20, special leave under Article 25, returning from LTIP under Article 42, maternity leave under Article 50, and Parental Leave under Article 51 have been accommodated. It is also possible that employment equity considerations such as accommodation of a person with disabilities, may take precedence over a lateral transfer request.

PROCEDURE

1. An employee seeking lateral transfer must first make a request in writing to the employer and OPSEU using a Lateral Transfer Form that was developed jointly by the parties. The Lateral Transfer Request Form can be found on OPSEU's Website at:

<http://www.opseu.org/ops/collective/transfers.htm>
2. In the written request, the member will describe his or her present position, for example, a Correctional Officer-2 (CO-2) and will apply for a specific position at another location, for example, CO-2, Toronto West Detention Centre to CO-2, Walkerton Jail.
3. A member's opportunity to transfer is based on compassionate need. Examples of compassionate need include ageing parents or other adult family members who live in the target location and who require assistance, children who need special treatment or facilities not found in the employee's home location, or where the employee's spouse is transferred to another location.
4. The employer will note the employee's request and will place the request on a log. When a vacancy matching the requesting employee's position occurs, the employer will forward the request to the union for consideration. A member's placement on the lateral transfer log will only be released at this time.

5. All requests received by 5:00 pm on the business day that the employer activates the lateral transfer will be considered.
6. The Job Security Officer will contact the president of the local where the potential job transfer vacancy exists and will consult about whether or not to give the approval. In making its recommendation at this point, the local should be aware of the fact that, should the employer or union find that there is an eligible surplus employee for the position under consideration, the surplus employee's Article 20 right to assignment take precedence over a lateral transfer.
7. The Job Security Officer will review the request and will make a final and binding decision and then advise the employer of this decision.
8. In order to ensure that the filing of vacancies proceeds as quickly as possible, the union will make every effort to complete their investigation and decision-making within one (1) week.
9. All requests will be logged centrally by the union according to date received. Where there is more than one application for the same vacancy, transfer will take place on the basis of qualifications and where they are relatively equal, on the basis of the greatest seniority. Where both seniority and qualifications of two applications for the same target position are equal, transfer will take place on the basis of the date the request was made.
10. No transfer request will be granted for a position after it has been posted.
11. Transfer requests will be retained and will remain on the list for one (1) year after which the member must renew the request if s/he wants to remain on the active list.
12. It is assumed that when a member is successful in obtaining a lateral transfer, all requests on file for other locations will be closed.
13. If a member turns down the employer offer of a lateral transfer, that particular file will be closed.
14. General enquiries about this procedure or OPSEU's decision on a lateral transfer should be directed to the assigned Job Security Officer.

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