

## CAPS Counter Proposal

**Bargaining Unit: 10**

**Date: July 28,**

**2021; 2:05PM**

**Exclusive Representative: CAPS**

**Article: 16**

**Subject: Transfer and Layoff**

### 16.5 Hardship Transfer

- A. The State and CAPS recognize the importance of hardship transfers as a way of dealing with work issues and family issues. An employee experiencing a verifiable hardship, including but not limited to domestic violence; a substantiated complaint of workplace violence or workplace bullying; mandatory job transfer of a spouse or domestic partner (in accordance with Family Code Section 297); or family illness, injury, death, serious health condition, or other important consideration; may request a transfer to another geographic area, work location, or unit to mitigate the hardship.
- B. The State shall endeavor to reassign the employee to a comparable or lesser (if comparable is not available) position in the requested geographic area, work location, or unit. If the employee accepts the position of a lower paid classification, the State shall endeavor to reinstate the employee to ~~his/her~~ their former classification and comparable salary level. Reasons for the inability to grant the transfer shall be provided in writing as soon as practicable.
- C. Transfers under this section shall be considered voluntary.
- D. The parties agree that disputes under this section are grievable through Step 4 (CalHR) and are not arbitrable.