



**DEPARTMENT OF CORRECTIONS
Employee Services Division**



Title:	Hardship Transfer	DOC Policy: 20.4.14
Effective:	2/15/24	Supersedes: 3/1/14
Applicability:	Classified, unrepresented, represented employees consistent with applicable collective bargaining agreements and management service employees	
Directives Cross-Reference:	DAS Policy 50.010.04	
Attachment:	Hardship Transfer Medical Verification form (CD 1522A)	

I. PURPOSE

To establish guidelines for transfer of a Department of Corrections (DOC) employee to another DOC work location based on a medical or family welfare situation that balance the employee’s need with responsible staffing and operation of the department.

II. DEFINITIONS

- A. Hardship Transfer:** A transfer based on a medical or family welfare situation, where an employee may not have to go through a competitive process to transfer.

- B. Immediate Family Member:** Immediate family members are a 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, as defined by the collective bargain agreement.

III. POLICY

A. Hardship Transfer

The department is committed to assisting its employees in specified hardship situations by relocating those employees as appropriate and as positions become available to fill. A hardship transfer must be based on a medical or family welfare situation for the employee or their immediate family. Economic hardships do not constitute a family welfare situation. The agency is not required to create a new position into which the employee can be reassigned.

- 1. Examples of significant hardship include, but are not limited to:
 - a. A specific long-term medical situation where services or care are more accessible in a certain location.
 - b. A personal or immediate family member serious health condition.

- c. An immediate family member in need of medical care only available in a certain location.
 - d. The special education needs for children related to physical or mental disability.
 - e. Domestic violence, as a reasonable safety accommodation to protect the employee at work or in connection with work, as consistent with the agency's operational needs and does not create an undue hardship on the agency.
 - f. Significant and recurring harassment or discrimination against the employee or their family within the community.
2. Eligibility requirements:
- a. Employee must not have been subject to discipline (letter of reprimand and above) within the previous 12 months.
 - b. Employee must not currently be the subject of an investigation.
 - c. Employee must not be in performance management (for example, a performance improvement plan). A letter of expectation is not a performance improvement plan.
 - d. The new worksite location must exceed 70 miles from the employee's current worksite. If relocation is necessary, moving expenses will not be provided.
 - e. A vacant, budgeted position must be available in order for the employee to transfer. A position is considered vacant even if it is already posted for recruitment.

B. Process

1. Employees will be considered for hardship transfer on a case-by-case basis and they must complete and submit the following forms and letters to be considered:
- a. Medically related:
 - A. Hardship Transfer Medical Verification Form (CD 1522A).
 - B. Memo to their functional unit manager explaining the specific circumstances of the request, indicating the requested remedy, and explaining why the proposed remedy is the best or only acceptable option.
 - b. Domestic Violence or Community Harassment or Discrimination related:
 - A. Police report, restraining order, letter from health care provider, or other supporting documentation.
 - B. Memo to their functional unit manager explaining the specific circumstances of the request, indicating the requested remedy, and explaining why the proposed remedy is the best or only acceptable option.
2. The local Senior Human Resources (HR) Business Partner and the employee's supervisor will meet with the employee to review the request. The Chief HR Administrator for Employee Services, the Recruitment, Classification and

Compensation Administrator, and the Assistant Director of the employee's division or their designee will meet to review the application and determine if it meets the criteria, as defined in this policy.

3. If the employee is approved for a hardship transfer, they must be ready to start the new position within 45 days of the position being offered.
4. If the transfer results in a change in representation, the employee will not receive exceptions to the receiving labor organization's collective bargaining agreement. This includes, but is not limited to, the definition of seniority, shift and days off assignments, work assignments, or pay.

C. Removal from Consideration of Hardship Transfer

1. An employee will be removed from consideration of hardship transfer for the following reasons:
 - a. Declining a transfer offer made;
 - b. Inability to report to work within 45 days of the position becoming vacant;
 - c. Terminating employment from DOC;
 - d. Upon request by the employee;
 - e. The circumstances creating the need for the hardship transfer are no longer valid; or
 - f. If a transfer offer is not accepted by the employee within seven calendar days.
2. Once removed from consideration, an employee must submit a new request.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: signature on file

Julie Vaughn, Rules Coordinator

Approved: signature on file

Heidi Steward, Deputy Director