

CHAPTER 4
TRANSFERS AND RESIDENCE REQUIREMENTS
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CHAPTER 4

TRANSFERS AND RESIDENCE REQUIREMENTS

1. INTERDEPARTMENTAL TRANSFERS.

a. Permanent or Probationary Employees. An employee with permanent status as described in Section 18528 of the Government Code (GC), or probationary status as described in Section 18527 of the Government Code, may transfer from a position in one state agency to a position in the same or other appropriate classification in another state agency as defined in Section 18525.3 of the Government Code.

b. Transfer Time Frame. A transfer may be effective on a date agreeable to both agencies, which shall be no later than 30 calendar days after the current employing agency receives a request from the agency requesting the transfer. Requests for interdepartmental transfers may be verbal or written. Written requests are required when both agencies do not agree on an effective date, in which case the effective date shall be no later than 30 calendar days after receipt of the written request.

c. Serving of a Probationary Period. An employee who transfers to the California Highway Patrol is required to serve a new probationary period unless the employee has previously served a probationary period in the same classification in this Department and has had no break in state service, in which case it cannot be required.

d. Sick Leave, Vacation, Annual Leave, Furlough Hours, Personal Leave Program, Voluntary Personal Leave Program, Excess Hours, and Overtime. An employee's sick leave, vacation, and annual leave credits are assumed by the agency to which the employee is transferring; any excess hours or overtime balance is paid by the agency from which the employee is transferring.

e. Approval to Fill a Vacancy by Transfer. A commitment shall not be made to a potential transferee until approval has been received from Selection Standards and Examinations Section, Classification and Hiring. (Refer to Highway Patrol Manual 10.3, Personnel Transactions Manual, Chapter 2, Nonuniformed Hiring and Appointments.)

2. INTRADEPARTMENTAL TRANSFERS. Employees may request a transfer from one location to another location within the Department in accordance with the provisions of General Order (GO) 10.6, Field and Headquarters Assignments and Transfers Nonuniformed Employees, and GO 10.7, Field and Headquarters Assignments and Transfers Uniformed Employees.

3. NOTICE OF EMPLOYEE TRANSFERS (UNIFORMED AND NONUNIFORMED).

a. Written Notice. As provided in Section 19994.1 of the Government Code, a 60-day advance written notice provided to the employee is required for a mandatory transfer of any employee under the Department's jurisdiction where relocation of the employee is reasonably expected. This requirement may be waived by the employee in writing. Unless waived, the employee shall be given a written notice of transfer 60 days in advance of the effective date of the transfer. The written notice shall set forth in clear and concise language the reasons why the employee is being transferred.

b. Written Notice Not Applicable. The advance 60-day written notice is **not** applicable to the following transfer actions:

(1) Mandatory transfer which does not reasonably require an employee to change the employee's place of residence.

(2) Voluntary transfer.

(3) Administrative transfer which is a matter of mutual agreement between the appointing power and employee.

(4) Mandatory transfer as a result of a layoff situation.

c. Advance Notice in Voluntary Transfers. The Department will continue to follow its policy of giving as much advance notice as possible in voluntary transfer actions to avoid undue hardship to employees. However, employees must clearly understand that the 60-day advance written notice will be furnished by the Department only in a case of a mandatory transfer when a change of employee residence is reasonably expected.

d. Waiving the 60-Day Advance Written Notice. If a mandatory transfer is expected to require an employee to change their place of residence, and the employee desires to waive the 60-day advance written notice of transfer provided by Section 19994.1 GC, the employee may forward the following **signed and dated** statement through channels to the appropriate Commissioner:

"I hereby waive the 60-day advance written notice provisions in Section 19994.1 of the Government Code, which are applicable to mandatory transfers in which a change of employee residence may reasonably be expected.

4. RESIDENCE REQUIREMENTS.

a. Powers and Duties of the Commissioner. Section 2108 of the California Vehicle Code states:

“ . . . Notwithstanding any other provision of law, the commissioner may administratively determine the geographic area of residence of any member of the department in order to assure the availability of such member for emergency service and the discharge of departmental responsibilities.”

b. General Information. Uniformed employees shall reside in such proximity to their assigned command or headquarters office as will assure their ability to respond to an emergency within a reasonable length of time or to allow equitable assignment of departmental responsibility.

c. Out-of-State Residence. Due to limited housing and/or services at some remote work locations, the Commissioner authorizes departmental personnel, permanently assigned to specific work locations, the option of residing outside of California. A listing of work locations where out-of-state residency is authorized in a specific region adjacent to the work location is contained in Annex A of this chapter. All additional requests to reside out-of-state shall be made to the Commissioner through the appropriate chain of command, and no approval shall be granted until such time as the Commissioner has approved the request.

d. Maximum Travel Distance from Residence to Work Location When Using a State Vehicle.

(1) The maximum travel distance from residence to work location for commanders using a state vehicle shall not exceed 70 miles.

(2) The maximum travel distance from residence to work location for noncommand employees using a state vehicle shall not exceed 50 miles.

(3) The distance may cross command boundaries, Area and Division, and is measured from the employee's residence to the actual command office location rather than the command boundary.

(4) Commanders shall advise employees assigned to positions that include state vehicles of the mileage restriction prior to their assignments.

e. Resident Post Personnel. Resident post personnel shall reside within the established boundaries of the resident post, except where permitted by paragraph 4.c. Assignments to a resident post shall be in accordance with GO 22.3, Resident Posts.

f. Newly Assigned Personnel. A uniformed employee newly assigned to a command or contemplating a change of residence for personal reasons, transfer, promotion, reassignment, for a combination thereof, or for any other reason, shall confer with the commander to assure that the general area under consideration conforms to departmental policy.

g. Commander and Division Approval. Residence requirements established by the commander shall be subject to Division approval.

h. Command Office Relocation. In the event a command office is relocated, the commander shall review residence locations of uniformed employees of the command and submit recommendations through channels as to the necessity to require uniformed employees to move, or such plan of operation as may be developed to preclude the necessity of moving. Relocation expenses will be reimbursed in accordance with established departmental policy.

(1) Departmental employees who incur costs of moving household goods due to any required move will be reimbursed in compliance with the California Department of Human Resources allowance guidelines.

(2) When it is necessary for a commander to establish a plan to ensure compliance with departmental policy, the plan shall, in all instances, be submitted through channels to the Commissioner for approval.

i. Exceptions to Policy. Any circumstances which, in a commander's opinion, justify an exception to departmental policy shall be documented and submitted through channels to the Commissioner for a determination. Commanders shall make a recommendation on the proposed exception to the policy.

ANNEX A

OUT-OF-STATE RESIDENCE—APPROVED LOCATIONS

Departmental personnel permanently assigned to the following work locations are authorized by the Commissioner to reside out-of-state in the following regions:

Bridgeport Area	The greater Lake Tahoe, Minden, and Gardnerville, Nevada region.
Crescent City Area	The greater Brookings, Oregon region.
Death Valley Resident Post	After the state residence at Furnace Creek is utilized, personnel may reside in the greater Pahrump, Nevada region.
Donner Pass Commercial Vehicle Enforcement Facility (CVEF)	The greater Reno, Nevada region.
Dorris Resident Post	The greater Klamath Falls, Oregon region.
Mountain Pass Joint Port of Entry (CVEF)	The greater Las Vegas, Nevada region.
Mountain Pass Resident Post	After all state-provided housing at this location is utilized, personnel may reside in the greater Henderson and Primm, Nevada region.
Needles Area	The greater Bullhead City, Laughlin, and Lake Havasu City, Arizona region.
Parker Dam Resident Post	The greater Parker, Lake Havasu City, Arizona region.
South Lake Tahoe Area	The greater Lake Tahoe, Minden, and Gardnerville, Nevada region.
Truckee Area	The greater Reno, Nevada region.
Tule Lake Resident Post	The greater Klamath Falls, Oregon region.
Winterhaven Area	The greater Yuma, Arizona region.

ANNEX A

OUT-OF-STATE RESIDENCE—APPROVED LOCATIONS (*continued*)

Winterhaven Platform Scales
(Sidewinder Scales)

The greater Yuma, Arizona region.