

Horizontal Transfer

Contents:

- [Definition](#)
 - [Break in Service Defined](#)
 - [Salary Rate](#)
 - [Special Salary Provisions for Graded Classes](#)
 - [Effective Date](#)
 - [Overlap of Leave and Reemployment](#)
 - [Benefits Transferred](#)
 - [Qualifications](#)
 - [Personnel Records Transfer](#)
 - [Leave With Pay for Transferred Employees](#)
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Definition

A horizontal transfer is the movement of an employee from one position to another position within the same agency or between agencies when:

- there is no break in service, and
- the positions have the same salary grade or are in the same career-banded class.

Advisory Note: Employees transferring from a career-banded classification to a graded classification or vice versa should be treated as a Grade-Band Transfer action and the salary established using the New Hire Policy if transferring to a graded class or the Career Banding Policy if transferring to a banded class.

Break-in-Service Defined

A break in service occurs when an employee is in nonpay status for more than thirty-one calendar days from the last day of work (except when on leave without pay).

Normally a transfer between agencies results in an employee reporting to work in the receiving agency the first workday following the separation date from the releasing agency.

Salary Rate

When an employee transfers between positions having the same salary grade, the salary may increase to recognize changes in higher level duties, establish equitable salary relationships or respond to labor market conditions. However, the increase shall not exceed 10% within a one-year period or create significant salary inequities. The increase shall not exceed the maximum of the range.

Exception: The salary may be reduced if there is a lack of sufficient funds or if it results in the creation of a serious internal salary inequity. See the Advisory Notes below for determining salaries for employees who are reduced-in-force.

When an employee transfers between banded classes, the salary shall be established based on consideration of all Pay Factors for career banding.

Advisory Notes:

- (1) If there is a salary limitation due to budget restrictions or equity considerations, the announcement should include a separate recruitment range that specifies the maximum salary to be offered.
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Horizontal Transfer (continued)

(2) For employees who are reduced-in-force, the agency is not relieved from paying the same salary rate unless the RIF employee voluntarily offers/agrees to accept a lower salary rate and a written "waiver" is obtained in the pre-screening phase of the selection process. Someone other than the supervisor making the selection decision should review the applicant pool before referring to the hiring authority. If a valid waiver is in place, the best practice is to place the salary conditions in the written waiver agreement. The agency would be allowed to give an increase(s) up to the previous salary amount should funds become available.

Special Salary Provisions for Graded Classes

Special Minimum Rate Utilization:

If an employee is in an agency not utilizing an authorized special minimum rate and transfers to an agency that does, the special minimum rate cannot be used as justification for a salary increase if both workstations are within the same geographic area (e.g., Research Triangle).

Geographic Differential Utilization:

If an employee is receiving a higher rate of pay by virtue of working in a position to which a geographic differential applies and transfers to a position to which a geographic differential does not apply (whether in the same geographic area to a position without a differential, or to the same job in a different geographic area without a differential), the employee's pay rate must be reduced by the amount of the differential the employee had been receiving.

Effective Date

If an employee reports to work the first workday following separation, the releasing agency shall carry the employee on its payroll through the day prior to the effective date of the transfer even though the separation date may fall on a nonworkday.

An exception may be made when the releasing date falls on a nonworkday at the first of the month, in which case the pickup should be made on the first day of the month. If other time is involved, such as holidays or approved vacation, the releasing agency and the receiving agency shall agree upon who will pay the employee.

Overlap of Leave and Reemployment

It is the responsibility of both the releasing agency and the receiving agency to arrive at appropriate transfer dates and to transfer leave properly. If, however, the employee has been paid for unused vacation by the releasing agency after a separation which was apparently in "good faith," and not intended as a means of realizing compensation for accumulated vacation leave, and the employee is reemployed before the date through which vacation leave was paid, the payment for vacation leave shall not be considered as dual compensation.

Benefits Transferred

When an employee transfers to another SPA position, all unused sick and vacation leave shall be transferred.

If the employee transfers to an exempt position in which leave will not be credited the same as employees subject to the State Personnel Act, accumulated vacation and sick leave may be transferred subject to the receiving agency's approval. If vacation leave is

Horizontal Transfer (continued)

not transferred, it shall be paid in a lump sum not to exceed 240 hours. Sick leave may be transferred and held for future use should the employee transfer back to SPA or it may be applicable toward retirement

Qualifications

The employee must possess at least the minimum qualifications and competencies required for the class to which transfer is made.

Personnel Records Transfer

The personnel file, as defined by statute and in the Personnel Records Policy, shall be transferred to the receiving agency.

Leave With Pay for Transferred Employees

When management transfers an employee to serve the best interests of the State, the employee may be eligible for paid leave. These leave provisions are contained in the Leave – Employee Transfer Policy.
