



I have received several inquiries recently from officers who were pending administrative transfers and were unaware of or had several questions about the process. Sometimes, the officers were loaned to another division and believed that they had been administratively transferred when, in fact, they had only been loaned to another division pending resolution of an issue at their current division. Other times, officers were pending an administrative transfer and were unaware of the process or their ability to appeal the transfer. My hope in addressing this issue is to familiarize you with the process so that if you or someone you know is subject to an administrative transfer, you know what to expect and what you are entitled to as a result of the Department's actions. One of the most important things to remember is that all administrative transfers are "requests" in the form of an Intradepartmental Correspondence (Form 15.2) that must be approved by the Chief of Police before an employee can officially be transferred to a new command.

Department Manual Section 3/762.35 addresses administrative transfer requests, which are commonly initiated by an employee's commanding officer. However, many employees are unaware that they, too, can request their administrative transfer. Employees requesting a transfer should discuss their reasons with their commanding officer and submit to him or her an Employee's Report, Form 15.7, that documents their reasons and requested remedy. If the commanding officer disagrees with the request, the employee can forward a copy of the 15.7 to Employee Relations Group for further consideration.

Under normal circumstances, an employee's commanding officer, and not the employee, will request an administrative transfer. As outlined in the manual, some of the common reasons for a commanding officer to request an administrative transfer are to refresh or enhance an employee's performance, to resolve a conflict within a command or to downgrade an employee from an advanced paygrade position (sergeant II to sergeant I) or deselect him or her from a bonus position (PO III + 1 to PO III). Generally, a commanding officer consults with Employee Relations Group prior to discussing an administrative transfer request with an employee and prior to signing an administrative transfer request and forwarding it through the employee's chain of command. Employee Relations Group will review the content of the request and advise the commanding officer of the request's appropriateness. Sometimes, if the reasons are insufficient or the request is inappropriate, the administrative transfer request does not proceed any further. After a commanding officer has consulted with Employee Relations Group, the commanding officer meets with the employee and discusses the reasons for the administrative transfer request, determines if the employee agrees or disagrees with the transfer request and obtains the employee's three choices of assignment, in order of preference, for consideration by the Chief of Police. Another little-known fact is that the option of selecting an assignment applies only to sergeants, detectives and police officers, but not lieutenants.

Since most of our workforce is assigned to geographic divisions, most administrative transfers involve employees assigned to geographic divisions. As a result, the choice of assignment should include the names of three geographic divisions in at least two different bureaus that the employee would like the Chief of Police to consider. If the involved employee is assigned to a specialized division, then one of the three choices can be a specialized division, but the other two choices have to be geographic divisions in two different bureaus. There are also no guarantees that the employee will be assigned to one of the three requested divisions, as there usually has to be a vacancy at the requested geographic division.

Also, any pertinent documentation should be attached to the administrative transfer request. Some common situations that require additional documentation are when the employee has medical restrictions requiring accommodation (documents containing confidential medical diagnoses excepted), has duty restrictions that should be known to the new command (no public contact, no wearing of uniform, etc.) or is being

administratively transferred following a demotion in rank (detective to police officer). Sometimes, an employee is given additional time to submit three choices of assignment. However, when an employee is notified of an administrative transfer request, there are still several levels of review before the request is approved by the Chief of Police and the transfer actually occurs.

After the employee is advised of the administrative transfer request and provided with a copy of the 15.2, the request is routed to the bureau and office in their chain of command, Employee Relations Group and, finally, Personnel Division. At any point in the review process, the request can be denied/declined/rejected. While this is not common, it occasionally happens.

If the administrative transfer request is approved through the levels of review, Personnel Division will present the request to the Chief of Police for a decision. If the Chief of Police approves the request, the employee's name will appear on the next transfer order, indicating the new division of assignment and the effective date. Based on the date the transfer is published, if the employee disagrees with the transfer, the employee can challenge it by filing an Administrative Appeal at Employee Relations Group within 20 days of the order's publication. The Administrative Appeal process is outlined in Article 9 of the Memorandum of Understanding (MOU). Pursuant to the MOU, if the 20th day falls on a weekend or holiday, the deadline is extended to the next business day. It is important to note that if an employee fails to request an Administrative Appeal hearing within the 20-day period, the Chief of Police's decision is binding. Article 10 of the MOU also entitles an employee to an Administrative Appeal representative, who can be any member of the Department from the rank of lieutenant or below, legal counsel (at the employee's expense) or both.

So in summary, if you or someone you know is pending an administrative transfer from your current assignment, remember that it involves a lengthy review process after you have been served with a copy of the proposed 15.2, and that you have the right to appeal the Chief of Police's decision within 20 days of the publication date of the transfer order.

As always, feel free to reach me in the office at (213) 251-4588, on my cell at (562) 397-4585 or by email at julianmelendez@lappl.org if you think I can help you with an issue or problem. ❖