

**Section 212.246 Demotion
EMERGENCY**

- a) Definition:
 - 1) Demotion is the assignment of an employee to a position in a classification having a lower maximum permissible salary than the former classification, made for reasons of inability of the employee to perform the work of the position from which the demotion was made or due to the restructuring of duties and responsibilities within the organizational unit.
 - 2) A Director may initiate demotion of an employee by submitting to the Executive Director and the Director of Administrative Services a written statement of reasons for demotion containing sufficient facts to show good cause for the demotion. No demotion shall become effective until prior approval of the Executive Director and written notice is served upon the employee.
- b) Notice to Employee: If the statement of reasons for demotion of a certified employee is approved by the Executive Director, a copy of the approved statement of reasons for demotion shall be served on the employee in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.
- c) Employee Obligations: Upon receipt of the approved statement of reasons for demotion or upon the effective date of demotion, whichever is later, the employee shall leave the position in which assigned prior to receipt of the notice of demotion and report to work to the position to which demoted. An employee's report for work to the position to which demoted shall be without waiving any right to appeal under subsection (e) below.
- d) Salary and Other Benefits of Employee: Upon receipt by the employee of the approved statement of reasons for demotion, or on the effective date thereof, whichever is later, all salaries and benefits of the employee in the position in which assigned prior to receipt of such reasons shall be adjusted to reflect the demotion. An employee assigned to a demotion due to a restructuring of duties and responsibilities within the organizational unit as defined in subsection (a)(1), upon receipt of the approved statement of demotion, or on the effective date thereof, whichever is later, shall continue at the same rate of pay of the position in which assigned prior to the receipt of notice of demotion for a period of six months. After six months in the demoted position the employee's salary shall be adjusted to the appropriate rate of the demotion.
- e) Appeal by Certified Employee: An employee who is certified in the position from which he is demoted may appeal the demotion to the Grievance Review Committee by submitting a request in writing to the Director within fifteen

calendar days of receipt of the approved statement of reasons for demotion. No later than ten working days prior to the hearing, the employee shall submit a written statement setting forth his position to the Grievance Review Committee, unless the time is extended in writing by the Chair of the Grievance Review Committee.

- f) Demotion of Other Employees: The Executive Director may approve the demotion of probationary employees. Notice of demotion shall be served on the employee in person or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file. The demotion of probationary employees is not subject to appeal.
- g) Status of Demoted Employees; A demoted employee shall serve a probationary period in the position to which demoted unless the employee previously held certified status in that classification, in which case the demotion shall be to certified status in the demoted classification.