**Section 500.275 Demotion**

a) Definition:

1) Demotion is the assignment of an employee to a vacant position in a class having a lower maximum permissible salary or rate than to the class from which the demotion was made for reasons of inability to perform work of the class from which the demotion was made.

2) A department head may initiate demotion of an employee by filing a written statement of reasons for demotion with the Director in the form and manner prescribed. Such written statement shall be signed by the head of the department and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director who shall take into consideration the employee's education, experience, and performance records.

b) Notice to Employee: If the statement of reasons for demotion of a certified employee is approved by the Director, a copy of the approved statement of reasons for demotion shall be served on the employee by the Director, in person, or by certified mail, return receipt requested, at the employee's address appearing in the personnel file.

c) Employee Obligations: Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date thereof, whichever is later, the employee shall leave the position in which assigned prior to such statement of reasons and report for duty to the position to which demoted and such report shall be without prejudice to right to appeal under Section 500.275(e).

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 such employee in the position in which assigned prior to receipt of such statement of reasons shall be adjusted to reflect the demotion.

e) Appeal by Certified Employee: A certified employee who has been served with approved statement of reasons for demotion may appeal to the Merit Commission, provided such appeal is made in writing within 15 days of receipt of the approved statement of reasons for demotion.

f) Demotion of Other Employees: The Director may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director, in person, or by certified mail, return receipt requested, at the employee's last address appearing in the personnel file.

g) Status of Demoted Employees: A demoted certified employee shall be certified in the class to which demoted and shall not be required to serve a new probationary period. Subject to Section 500.250(a), a demoted probationary employee shall serve a new probationary period in the class to which he is demoted.

(Source: Amended at 5 Ill. Reg. 890, effective January 9, 1981)