**Section 420.390 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 the class from which the demotion was made for reasons of inability to perform the work of the class from which the demotion was made.

2) Written statements of reason for demotion shall be filed by a department director or other administrative authority with the Director of Personnel or designee in the form and manner prescribed. The written statement shall be signed and shall contain sufficient facts to show good cause for the demotion. No demotion shall become effective without the prior approval of the Director of Personnel or designee.

b) Notice to Employee: If the statement of reasons for demotion of a certified employee is approved by the Director of Personnel or designee, 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 official personnel file.

c) Employee Obligations: Upon receipt by the employee of the approved statement of reasons for demotion or upon the effective date of the demotion, whichever is later, the employee shall leave the position to which assigned and report for duty to the position to which demoted. The report shall be without prejudice to right of appeal under subsection (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 of the demotion, whichever is later, all salaries and benefits of the employee in the position in which assigned prior to receipt of the statement of reasons shall be adjusted to reflect the demotion.

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

f) Demotion of Other Employees: The Director of Personnel or designee may approve the demotion of probationary employees. Notice of such demotion shall be served on the employee by the Director of Personnel or designee in person, or by certified mail, return receipt requested, at the employee's last address appearing in the official 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 420.360(a), a demoted probationary employee shall serve a new probationary period in the class to which he/she is demoted.

(Source: Amended at 35 Ill. Reg. 4278, effective March 1, 2011)