

Chapter Pers 17

DEMOTION

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Pers 17.01 Definition. A demotion is the movement of an employe with permanent status from a position in one class to a position in another class that has a lower salary range maximum.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 17.02 Exclusions. (1) The appointment of an employe to a position in a lower classification while the employe is serving a probationary period on an original appointment shall be considered as a new original appointment.

(2) The appointment of an employe with former permanent status to a position in a lower classification following a break in service not covered by leave shall be considered as an original appointment except when such return shall be considered as a reinstatement. See Wis. Adm. Code chapter Pers 16.

(3) The reduction in the classification of a position held by an employe with permanent status that does not involve movement of the employe to a different position is considered a reallocation. See Wis. Adm. Code chapter Pers 3.

(4) The action by which a promoted employe is restored to his previous position and salary as provided in Wis. Adm. Code subsection Pers 14.03 (1) is not considered a demotion. See Wis. Adm. Code chapter Pers 16.

(5) Salary reduction that does not involve a change in positions or class is not considered a demotion. See subsection 16.24 (1), Wis. Stats.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. rules am. (3), eff. 2-22-66; am. (3), Register, May, 1966, No. 125, eff. 6-1-66.

Pers 17.03 Report of appointing officer; approval by director. (1) All demotions shall be reported to the director in accordance with subsections 16.24 (1) and 16.25 (1), Wis. Stats.

(2) Approval of the director is required to determine the eligibility of the employe to perform the duties of the position in the class to which he is demoted.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64.

Pers 17.04 Kinds of demotion; status and rights. (1) INVOLUNTARY DEMOTION WITHIN A DEPARTMENT. An appointing officer may demote an employe for disciplinary purposes as provided in subsection 16.24 (1), Wis. Stats.

(a) The demotion may be made to any position within the department regardless of employing unit; and the employe may appeal the demotion within 10 calendar days of the effective date of such action.

(b) An employe demoted for disciplinary purposes does not retain permanent status previously acquired in the higher class of position, nor does he retain reinstatement eligibility to the higher class of

position. He does acquire permanent status and tenure rights in the class of position to which he is demoted. No probationary period shall be required for an employe demoted for disciplinary purposes.

(2) **VOLUNTARY DEMOTION WITHIN A DEPARTMENT.** Except as provided under (3), an employe with approval of the appointing officer may accept a voluntary demotion within the department either to a position in the same employing unit, or to a position in a different employing unit. Acceptance of such voluntary demotion shall be furnished the director in writing by the employe.

(a) In either case, tenure rights to the previously held position are not retained.

(b) If the demotion is to a position in the same employing unit, an employe retains permanent status previously acquired and a probationary period for employment in the lower class of position shall not be required.

(c) If the demotion is to a position in a different employing unit, the employe may be required to serve a probationary period at the discretion of the appointing officer. If during such period the services of the employe are found to be unsatisfactory, he may be separated without the right of appeal. If the employe is not required to serve a probationary period, he retains permanent status previously acquired.

(d) For provisions relating to the return of an employe to his former class of position, see Wis. Adm. Code chapter Pers 16.

(3) **VOLUNTARY DEMOTION WITHIN A DEPARTMENT IN LIEU OF LAY-OFF.** An employe selecting a voluntary demotion in lieu of layoff retains permanent status previously acquired in the higher class of position. For provisions relating to the reinstatement of an employe so demoted, see Wis. Adm. Code chapter Pers 16. No probationary period shall be required for an employe who accepts a voluntary demotion in lieu of layoff within the employing unit.

(4) **VOLUNTARY DEMOTION BETWEEN DEPARTMENTS.** An employe may move to a position in a lower classification in a different department as a voluntary action either for personal reasons or in lieu of being laid off.

(a) In either case, the employe may be required to serve a probationary period at the discretion of the appointing officer, and if during this period the employe's services are found to be unsatisfactory, he may be separated without the right of appeal. If the employe is not required to serve a probationary period, he retains permanent status previously acquired.

(b) For provisions relating to the return of an employe to his former class of position, see Wis. Adm. Code chapter Pers 16.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. r. and recr. (1), am. (2) intro. par., renum. (3) to be (4) and cr. (3), eff. 6-27-71; r. and recr. (1), am. (2) intro. par., renum. (3) to be (4) and cr. (3), Register, September, 1971, No. 189, eff. 10-1-71.

17.05 Salary on demotion. (1) When an employe is demoted the rate paid may be any rate within the salary schedule range for the class to which he is demoted which is not greater than the last rate received immediately prior to his demotion, subject to the following:

(a) In any demotion where an employe is not required to serve a

probationary period he shall be paid not less than the permanent status in class minimum for the class to which he is demoted.

(b) In any demotion where an employee is required to serve a probationary period, completion of such probationary period shall not make the employe eligible to receive a salary increase as provided in section 16.105 (2) (d) Wis. Stats. However, upon completion of the probationary period the employe shall be paid not less than the permanent status in class minimum.

History: Cr. Register, June, 1964, No. 102, eff. 7-1-64; emerg. rule am. eff. 2-22-66; am. Register, May, 1966, No. 125, eff. 6-1-66.