

4670.2810 DEMOTIONS.

An appointing authority may demote an employee for inefficient performance of duties, for disciplinary reasons, or for other just causes.

A permanent employee shall be, before the action is taken, furnished with a statement in writing, setting forth the reasons for the demotion. The employee shall be permitted five days' time to reply thereto, in writing, or upon request, to appear personally and reply to the appointing authority. A copy of the statement and the employee's reply, if any, shall be filed with the supervisor prior to the effective date of the demotion. The permanent employee upon written request may demand a hearing before the council in accordance with the provisions of part 4670.3530.

At any time during the probationary period that an appointing authority determines that the employee's performance does not meet work standards the appointing authority may demote the employee, except that no employee serving a probationary period following a transfer or promotion shall be demoted except for just cause or with consent during the first 30 calendar days of the probationary period.

Seniority of an employee in the class to which the employee is demoted shall be limited to service in the agency and shall consist of the combined total of prior seniority in the class to which demotion occurs, in all higher classes, and in all other classes which the supervisor determines to be sufficiently similar to the class to which demotion occurs.

Any permanent or probationary employee about to be laid off shall be demoted to displace any employee with less seniority in the next lower class in which the person previously served unless the person elects to be laid off. In either event the name of such employee shall be placed on an appropriate layoff list and upon written application may be placed on an appropriate reemployment list.

An appointing authority, with the consent of the affected employee, may demote, in lieu of layoff, a permanent or probationary employee not covered by the preceding provision. Such action shall not entitle the employee to a hearing, in the demotion, but the employee's name shall be placed on the layoff list and upon written request may be placed on the reemployment list for the class from which the employee was demoted. No employees so demoted shall displace a permanent or probationary employee except in order of seniority.

Statutory Authority: *MS s 144.071*

History: *14 SR 1806; 17 SR 1279*

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