

Chapter Pers 17

DEMOTION

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Pers 17.01 Definition. A demotion means the voluntary or involuntary movement of an employe with permanent status in one class to a position in a lower class for which the employe is qualified to perform the work after customary orientation provided for newly hired workers in such positions.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, February, 1981, No. 302, eff. 3-1-81.

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

(2) The appointment of a former employe, who previously acquired permanent status, to a position in a lower classification following a break in service not covered by leave or the layoff provisions of these rules shall be considered an original appointment except when such return may be considered a reinstatement under ch. Pers 16, Wis. Adm. Code and the appointing authority chooses to treat such appointment as a reinstatement.

(3) The change in the classification of a position held by an employe with permanent status to a lower classification is a reallocation or reclassification under ch. Pers 3, Wis. Adm. Code.

(4) Pay reduction that does not involve a change in position or class is not considered a demotion. See s. 230.34 (1), Stats.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (4), Register, September, 1975, No. 237, eff. 10-1-75; am. (1) to (3), renum. (4) to be Pers 17.025, renum. (5) to be (4) and am. Register, February, 1981, No. 302, eff. 3-1-81.

Pers 17.025 Non-completion of promotional probationary period. The action by which a promoted employe is restored to the employe's previous position and pay as provided in s. Pers 14.03 (1), Wis. Adm. Code is not a demotion. Such action is a restoration under s. Pers 16.03 (5), Wis. Adm. Code. Any such restored employe who thereafter moves by promotion to a different position shall be required to serve a new probationary period under s. Pers 13.04 (2), Wis. Adm. Code.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. Register, September, 1975, No. 237, eff. 10-1-75; renum. from Pers 17.02 (4) and am. Register, February, 1981, No. 302, eff. 3-1-81.

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Pers 17.03 Notice to employe. The appointing authority shall notify the affected employe in writing in accordance with the provisions of s. Pers 12.07, Wis. Adm. Code.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1), Register, December, 1976, No. 252, eff. 1-1-77; r. (2), renum. (1) and am. Register, February, 1981, No. 302, eff. 3-1-81.

Pers 17.04 Kinds of demotion; status and rights. (1) DEMOTION FOR DISCIPLINARY PURPOSES. An appointing authority may demote an employe for disciplinary purposes as provided in s. 230.34 (1), Stats.

(a) The demotion may be to any position within the agency regardless of employing unit; and the employe may appeal the demotion as provided under s. 230.44, Stats.

(b) An employe demoted for disciplinary purposes does not retain permanent status in class previously acquired in the higher class of position, nor does the employe retain reinstatement eligibility to the higher class of position. The employe does acquire permanent status in class and tenure rights in the class of position to which the employe is demoted. No probationary period shall be required for an employe demoted for disciplinary purposes.

(2) DEMOTION IN LIEU OF LAYOFF. See s. Pers 22.08 (3), Wis. Adm. Code.

(3) VOLUNTARY DEMOTION WITHIN AN AGENCY. An employe may request and with approval of the appointing authority may accept a voluntary demotion within the agency 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 administrator in writing by the employe.

(a) The employe shall have no restoration rights to the previously held position or class.

(b) If the demotion is to a position in the same employing unit, a probationary period for employment in the lower class of position shall not be required. The employe immediately attains permanent status in class in the class to which demoted.

(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 authority. During such period, the employe may be removed from the position without the right of appeal and reinstated to his or her previous position or transferred to another position at the discretion of the appointing authority. If the employe is not required to serve a probationary period, the employe shall be immediately granted permanent status in class in the class to which demoted.

(4) VOLUNTARY DEMOTION BETWEEN AGENCIES. An employe may request and, with approval of the appointing authority of the receiving agency, may accept a voluntary demotion between agencies. A copy of the employe's written acceptance of such voluntary demotion shall be furnished to the administrator.

(a) The employe shall have no restoration rights to the previously held position or class.

(b) The employe may be required to serve a probationary period at the discretion of the appointing authority and during this period the employe may be separated from the service without the right of appeal. If the employe is not required to serve a probationary period, the employe immediately obtains permanent status in class in the class to which demoted.

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

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; am. (1), (3) (intro.), (b) and (c), r. and recr. (2), (3) (a), r. (3) (d) and (4), renum. (5) to be (4) and am. (intro.), (b) and (c) and r. and recr. (a).

Pers 17.05 Pay on voluntary demotion or demotion for disciplinary purposes. See s. Pers 29.03 (8), Wis. Adm. Code.

History: Cr. Register, October, 1972, No. 202, eff. 11-1-72; r. and recr. Register, February, 1981, No. 302, eff. 3-1-81.