

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: Demotions
POLICY NUMBER: HR-32-00
EFFECTIVE DATE: January 2009
SUPERSEDES: N/A
LAST REVISION DATE: July 2009

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) that a demotion is the reduction of an employee to a position in a job on a lower pay grade. A demotion may be made as provided in Rule 10 or may be made on a voluntary or involuntary basis provided the employee has been determined by the Human Resources Manager as possessing the qualifications for the position to which the employee is being demoted.

VOLUNTARY DEMOTION:

- I. An employee who is demoted shall retain the same status in the lower position as in the higher, except that an employee on working test who had earned permanent status in the lower class shall be entitled to the privileges that would have been accorded had the employee continued in the lower position.
- II. SBHS may demote an employee who, for personal or other reasons, prefers to be assigned to a position of a lower pay grade. An employee who wants to be demoted must make the request to SBHS in writing.
 - A. The salary of an employee who is voluntarily demoted following a promotion within the last twelve (12) months is to be set at the salary received prior to promotion, plus any appropriate salary adjustments received while in the higher job. The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.

NOTE: Any exceptions must be approved by the Chief Executive Officer.

- B. The salary of an employee who takes a voluntarily demotion [not following a promotion within the last twelve (12) months] is to be reduced by an amount equal to at least five percent (5%), unless an exception is approved. The salary cannot be less than the job minimum or exceed the paygrade maximum for the job to which an employee is demoted.
- C. An employee may be voluntarily demoted without a loss in pay or voluntarily demoted with a salary reduction of less than five (5%) percent in certain circumstances when the employee accepts a demotion that benefits SBHS. These circumstances may involve, but are not limited to the following:

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1. Relocation for the good of SBHS that is a hardship for the employee;
2. Location in a program with management/program difficulties;
3. Position has been vacant because of extensive recruitment/retention difficulties;
4. Special skills of the employee which would enhance the job. (Special skills and experience must specifically relate to the requirements of the job); or
5. Demotion as reasonable accommodation of a disability

NOTE: Demotions associated with failure to meet performance or conduct standards must result in a loss in pay despite any benefit to SBHS.

- D. The employee or supervisor must submit a written request which includes the specific circumstances that support voluntary demotion, as referenced in item C above.

NOTE: The Personnel Action Request (PAR) For Demotion With No Loss Or Salary Reduction Of Less Than 5% may be used for this purpose.

1. The Chief Executive Officer will make the final determination to approve or deny the request and notify the supervisor or employee of the decision.
 2. If approved, a copy of the written approval is to be forwarded to the Human Resource Manager with the Request For Personnel/Payroll Action Form by the requestor to authorize processing and for placement in the official personnel file.
- E. Approval of the request for voluntary demotion or confirmation of the agreement to accept a demotion should be put in writing. The notification must include the specific circumstances involved in the voluntary demotion, the effective date, salary, classified/unclassified status, location of the position, etc.

INVOLUNTARY DEMOTION:

- I. An employee may be demoted if SBHS determines it is in the best interest of SBHS.
- A. Permanent status is not recommended
 - B. Unfitness to perform assigned duties
 - C. Negligence or inefficiency in performing assigned duties
 - D. Misconduct or
 - E. Insubordination
- II. The employee shall be notified of the action in writing but the action may not be appealed. The salary of an employee demoted while on promotional working test is to be set at the salary received prior to promotion, plus any appropriate salary adjustments received while in the higher job. The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.
- III. A classified employee with at least five (5) years of continuous State service, who accepts an interdepartmental transfer to SBHS and does not successfully complete the

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working test period will be demoted to a position in the last job on a lower paygrade in which the employee had permanent status, if that job is utilized by SBHS.

NOTE: If the job is not utilized by SBHS, the employee may be separated from employment.

- IV. The salary of an employee who is demoted while on working test due to an interdepartmental transfer that does not involve a promotion is to be reduced by an amount equal to at least five percent (5%). The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.
- V. An employee demoted while on working test must be notified in writing. The notice should be given to the employee as soon as possible, but no later than the calendar day prior to the action, unless extraordinary circumstances prohibit advanced notice. For assistance with the notification, the Human Resources Manager should be contacted.
- VI. A working test or permanent employee may be demoted whenever the CEO deems it necessary by reason of shortage of work or funds or reorganization. Such demotion shall be made in accordance with Rule 15, Changes in Employment Status.

INVOLUNTARY DEMOTION OF AN UNCLASSIFIED EMPLOYEE:

- I. In unusual circumstances, an unclassified employee may be demoted for disciplinary reasons, as determined appropriate. The demotion of an unclassified employee eligible for benefits must be approved in writing by the Chief Executive Officer prior to the effective date of the action.
- II. An unclassified employee may be involuntarily demoted for disciplinary reasons and must receive written notification. The notice should be given to the employee as soon as possible, but no later than the calendar day prior to the action, unless extraordinary circumstances prohibit advanced notice. For assistance with notification, the Human Resources Manager should be contacted.
- III. The salary of an unclassified employee who is involuntarily demoted following a promotion within the last twelve (12) months is to be set at the salary received prior to promotion, plus any appropriate salary adjustments received while in the higher job. The salary cannot be less than job minimum or exceed the pay grade maximum for the job to which the employee is demoted.
- IV. The salary of an unclassified employee who is involuntarily demoted [not following a promotion within the last twelve (12) months] is to be reduced by an amount equal to at least five percent (5%). The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.

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DEMOTION DUE TO UNUSUAL CIRCUMSTANCES:

A working test or permanent employee may be demoted whenever the CEO deems it necessary by reason of shortage of work or funds or reorganization. Such demotion shall be made in accordance with Rule 15, Changes to Employment Status.

PROCESSING A DEMOTION:

- I. To process a demotion, the position into which an employee is to be demoted must be properly allocated and budgeted.

NOTE: A SBHS program may request that the duties of a position occupied by an employee who is to be demoted, be downgraded and the position reallocated to a lower job such that the employee remains on the same position upon demotion. In this case, a Personnel/Payroll Action Form must be submitted by the requestor to the Human Resources Manager for review and approval prior to the action being implemented.

- II. The following documentation must be submitted by the requestor to the Human Resource Manager as soon as possible:

- A. A completed Request for Personnel/Payroll Action Form
- B. A copy of the Application For Employment Form

NOTE: If an application is not completed by the employee, a previous application from the employee's personnel file may be submitted.

- C. A copy of the written notification of demotion provided to the employee; and
- D. The written approval for a demotion without a loss in pay or with a salary reduction of less than five percent (5%), if applicable.

EMPLOYMENT STATUS:

- I. If a classified employee has never attained permanent status, the employee remains on working test in the lower job.
- II. If a classified employee has permanent status in the higher job, permanent status is retained in the lower job.

REFERENCES:

- I. Rules of the State Personnel Board, Rule 15 (Changes to Employment Status)
- II. Rules of the State Personnel Board, Rule 12 (Salary)
- III. Rules of the State Personnel Board, Rule 10 (Classification Plan)

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APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

RESCISSION SECTION:

Committee Chair

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

Committee Chairperson

Date