

Voluntary Demotion

Policy It is the policy of the DGS that permanent or probationary employees are allowed the opportunity for voluntary demotion to a vacant position as long as the employee and management are in mutual agreement.

Definition A voluntary demotion is a movement to a class with a lower salary range upon the request or concurrence of an employee. This is distinguished from an involuntary demotion, which is not at the concurrence of the employee and which may occur due to a rejection on probation, in lieu of layoff, or disciplinary action.

Conditions A voluntary demotion may be:

- within the department
- between departments with the concurrence of the appointing department
- initiated by the employee
- initiated by management
- can only occur when both the employee and management mutually agree.

Authority Government Code Section 19253:

- approval by SPB
- an appointing power with the concurrence, or at the request of an employee
- may request the voluntary demotion of such an employee to a vacant position

If	Then
The class to which the demotion is proposed requires qualifications, knowledge, or abilities not measured by the examination for the class from which demotion is proposed	The SPB may examine the employee for the possession of the additional qualifications, knowledge and abilities

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Voluntary Demotion, Continued

Reasons The following reasons are some of the instances that may constitute a request for a voluntary demotion.

- Employee's illness or poor health
 - Change of career; employee development, greater chance for a promotion, better utilization of education or training, different field of work
 - Relocation of residence; such as transfer of spouse, desire to work near family, climate change for family health reasons
 - Transportation difficulty; such as desire to work near residence, commuting to another office is easier
 - Conditions of employment, such as:
 - desire for a different shift
 - less than full-time work
 - desire for field assignment or office assignment
 - desire for less or no supervisory responsibility
 - desire for a job with less pressure
 - loss of license required to perform in the class
 - To further education or personal development
 - Stipulation after appeal from adverse action
 - Action to correct the misallocation of position
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Qualification for demotion To qualify for a voluntary demotion, an employee must have permanent or probationary status.

Prohibitions A voluntary demotion to a lower class CANNOT be made under the following circumstances as transactions are considered new appointments and are governed by other laws, rules and policies.

- Between general civil service and exempt positions
- Between general civil service and Career Executive Assignment (CEA) positions
- Between CEA and exempt positions

Regardless of the relative salary levels of the general civil service and exempt or CEA positions, any movement between these types of positions are not considered to be a demotion. Such transactions must involve the termination of the current appointment and appointment to the new position.

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Voluntary Demotion, Continued

Process The following table depicts the process of a voluntary demotion.

Step	Action
1	Employee submits a request for or concurs with management, in writing, to his/her supervisor
2	Manager approves, denies or concurs with request
3	Branch/Office submits an RPA
4	C&P Analyst reviews and approves RPA; forwards to Personnel Specialist (PS) for processing

Other issues Other issues related to a voluntary demotion may include:

Time base change

If the employee's time base is also being changed upon voluntary demotion, the employee must be eligible for the change in time base as outlined in State Personnel Board (SPB) Rule 277.

Limited-term demotion

Voluntary demotion of an employee to a class with a lower salary range is normally made on a permanent basis; however, a demotion on a limited-term basis may be made. An employee who wishes to accept a limited-term demotion without a break in service must be informed prior to accepting such demotion whether s/he will have the right of return at the termination of that demotion.

Career Executive Assignment (CEA)

A CEA may demote to another CEA position at a lower level even if the employee had never held an appointment at the level. However, for an example, when an employee demotes from CEA 2 to CEA 1, the employee SHOULD be terminated from the CEA 2 position, reinstated to his/her former general civil service position and then appointed to CEA 1. Reinstatement of the employee to his/her former position preserves the employee's reinstatement rights upon subsequent termination from CEA 1. The employee should also be advised of all rights of return when terminated from a higher CEA level.

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Voluntary Demotion, Continued

Resources The table below depicts the various resources available regarding voluntary demotion.

Resource	Section
Law and Regulation http://leginfo.legislature.ca.gov/faces/codes.xhtml;jsessionid=ec740fb92d7f258ccc38ebd5c0c9	GC 19253, 18525.2
Personnel Management Policy and Procedures Manual (PMPPM)	316
Responsible Control Agency and Program http://www.spb.ca.gov/ http://www.calhr.ca.gov/Pages/home.aspx	SPB, CalHR
Other:	
Layoff Manual http://www.calhr.ca.gov/state-hr-professionals/Pages/layoff-manual.aspx	