

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

1717 Philo Road, Suite 24
Urbana, Illinois 61802-6099
Phone: 217/278-3150
Fax: 217/278-3159



Please mark appropriate Box

- COPY 1 – Merit Board (University System Office)
- COPY 2 – Employee
- COPY 3 – Employer
- COPY 4 – Employer Legal Counsel

NOTICE OF DEMOTION

Employee Information

TO: _____

Name _____ Home/Cell Phone Number _____

Address – Street and Number _____ Home e-mail address (if known) _____

City _____ State _____ Zip Code _____

Please be informed that you are hereby being demoted from the following position:

Civil Service Classification and Number _____

Place of Employment _____

Department/College _____

You will subsequently be placed into the following position:

Civil Service Classification and Number _____

Place of Employment _____

Department/College _____

The undersigned Employer hereby sets forth the reasons and causes for demotion below.

- 1.
- 2.
- 3.
- 4.
- 5.

Dated this _____ day of _____, 20_____.

Employer

By: _____ Title _____
DER's Signature

NOTE: When printing form, please print on both sides

Notice to Employee – The effective date of demotion shall be the date of personal service of the Notice of Demotion upon the employee as indicated below, or the postmark date if notified by certified mail or overnight delivery. Your rights relating to an opportunity to be heard in your own defense are determined by Section 360 of the State Universities Civil Service Act (110 ILCS 70/360) and section 250.110(g) of the Illinois Administrative Code (Code) (80 Ill. Adm. Code §250.110(g)). See attached section 250.110(g) of the Code. ***If you desire to present a defense or otherwise contest your demotion, you are required to submit a written request to the Secretary for the Merit Board within 15 calendar days from the date that you are personally served as indicated below, or within 15 calendar days from the date of the postmark if you have been notified by certified mail or overnight delivery. Please submit your intent to contest your demotion to the following: State Universities Civil Service System Office, 1717 Philo Road, Suite 24, Urbana, Illinois 61802-6099 or by fax to 217/278-3150 or by email to hearingrequest@succs.illinois.gov. For further assistance or information, you may also contact the State Universities Civil Service System at 217/278-3150.***

PROOF OF SERVICE ON EMPLOYEE

The undersigned hereby certifies that at _____'clock _____ M. on the _____ day of _____, 20_____, the employee named in this **NOTICE OF DEMOTION** was served by

personal service by _____.

certified mail by depositing the same in the United States mail at _____, Illinois or by overnight delivery that requires signature upon receipt in an envelope with postage fully prepaid and addressed to said employee as stated in said **NOTICE OF DEMOTION**, which is hereby certified to be the last known address of said employee.

Name (typed or printed), Title

Signature

Section 36o of the State Universities Civil Service Act (110 ILCS 70/36o)

Demotion, removal, and discharge.] After the completion of his or her probationary period, no employee shall be demoted, removed or discharged except for just cause, upon written charges, and after an opportunity to be heard in his or her own defense if he or she makes a written request for a hearing to the Merit Board within 15 days after the serving of the written charges upon him or her. Upon the filing of such a request for a hearing, the Merit Board shall grant such hearing to be held within 45 days from the date of the service of the demotion, removal or discharge notice by a hearing board or hearing officer appointed by the Merit Board. The members of the hearing board or the hearing officer shall be selected from among the members of a panel established by the Merit Board after consultation with the Advisory Committee provided in Section 36c. The hearing board or hearing officer shall make and render findings of fact on the charges and transmit to the Merit Board a transcript of the evidence along with the hearing board's or hearing officer's findings of fact. The findings of the hearing board or hearing officer when approved by the Merit Board shall be certified to the employer. If cause for demotion, removal or discharge is found, the employee shall be immediately separated from the service. If cause is not found, the employee shall forthwith be reassigned to perform the duties of a position in his or her classification without loss of compensation. In the course of the hearing, the Director of the Merit Board shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books and papers relevant to the inquiry.

The provision of the Administrative Review Law and all amendments and modification thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Merit Board hereby created. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Section 250.110(g) of the Illinois Administrative Code (80 Ill. Adm. Code §250.110(g))

g) Demotion

- 1) Any of the actions described in this subsection (g)(1) is considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:
 - A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;
 - B) is subject to a reduction in percentage of time worked;
 - C) is appointed to a position in a lower class in a promotional line;
 - D) is appointed to a position in a class outside a promotional line with a lower pay potential;
 - E) is given a nonstatus appointment.
- 2) None of the actions described in subsection (g)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.
 - A) Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the

date of certification to his/her most recent position.

- B) Without the evidence indicated in subsection (g)(2)(A), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.
- 3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.
- 4) An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of the Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (f).) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion.
- 5) A status employee who is demoted to a position in a class in which he/she has never been employed on a status appointment may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the class. The employee must pass the examination as a condition to retaining his/her appointment.