

**25 NCAC 01I .2307 DEMOTION**

(a) Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct.

- (1) Unsatisfactory Job Performance. An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.
- (2) Grossly Inefficient Job Performance. An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.
- (3) Unacceptable Personal Conduct. An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.
- (4) An employee who is demoted shall receive written notice of the specific reasons for the demotion, as well as notice of any applicable appeal rights.

(b) Disciplinary demotions may be accomplished in three ways:

- (1) The employee may be demoted to a lower pay grade with a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary range for the new lower pay grade;
- (2) The employee may be demoted to a lower pay grade without a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary rate for the new lower pay grade;  
or
- (3) The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade.

(c) Prior to the decision to demote an employee for disciplinary reasons, the agency director or a management representative shall conduct a pre-disciplinary conference with the employee in accordance with the procedural requirements of Rule .2308 of this Section.

*History Note: Authority G.S. 126-4; 126-35;  
Eff. August 3, 1992;  
Amended Eff. April 1, 2001; December 1, 1995;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;  
Amended Eff. September 1, 2019.*