



## Medina County Policy Manual



<b>Policy: Demotions</b>	<b>Section: Employment</b>	<b>Number: 2.020</b>
<b>Issued: 09/17/07</b>	<b>Reviewed/Revised:</b>	<b>Page #: 1 of 2</b>

ORC 124.34

- A. A demotion is the movement of an employee to a lower level classification with the same or lower hourly rate of pay. A demotion may be imposed as a disciplinary action or may be requested by the employee. Prior to an employee being demoted, the director of the department will consult with and review such circumstances with the Director Human Resources.
- B. When an employee becomes unable to perform the duties of his/her position, but can perform the duties of a position in a lower classification, he/she may request in writing a reduction to the lower position acknowledging in writing that a reduction to the lower position may result in a reduction in their rate of pay. Approval is at the discretion of the Appointing Authority. A [Request for Voluntary Demotion](#) form is to be completed and returned to the employee's department director in order to be considered for a voluntary demotion.
- C. If approved, voluntary demotions (those done at the request of the employee) are not considered detrimental to the employee's work record and will not generally affect opportunities for future promotions.
- D. Employees in the classified service shall not be involuntarily reduced in pay or position except for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance, or any other acts pursuant to ORC 124.34.
  - 1. **Malfeasance** — intentionally doing something either legally or morally wrong which one had no right to do. It always involves dishonesty, illegality or knowingly exceeding authority for improper reasons. Malfeasance is distinguished from "misfeasance," which is committing a wrong or error by mistake, negligence or inadvertence, but not by intentional wrongdoing.

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2. **Misfeasance** —management of a public office or other responsibility in which there are errors and an unfortunate result through mistake or carelessness, but without evil intent and/or violation of law. Misfeasance is distinguished from "malfeasance," which is intentional conduct in violation of the law.

3. **Nonfeasance** — failure to act; failure to do what ought to be done.

E. Whenever a non-voluntary demotion occurs, the hourly rate of the employee entering the lower level position shall be governed by positions with similar duties and responsibilities.