

CHAPTER 8

Transfers, Promotions, Demotions

To the extent that any provisions of these Regulations conflict with the terms of a Collective Bargaining Agreement (CBA) in effect between the County and an exclusive bargaining representative, the terms of the CBA shall control.

8.1 General

Transfers, promotions and demotions include all cases in which an employee is moved from one position to another in the competitive service without a break in service. No employee shall be required to obtain the permission of his/her supervisor before applying for a transfer, promotion or demotion.

8.2 Lateral Transfers

Lateral transfers include all cases in which an employee is moved to a different position in the same class, to a different class in the same grade without a break in service, or moved between pay scales where the midpoint differential is below 5%.

-1 Intra-Departmental Lateral Transfers

- a. To a different position in the same class:

A department head or deputy may, at any time, transfer an employee under his/her jurisdiction from one merit position to another merit position in the same class in the same department.

- b. To a different class in the same grade:

Before an employee can be transferred between merit positions in different classes, the employee must be certified as qualified for the new class by the Human Resources Director. There shall be no change in grade or salary.

-2 Inter-Departmental Lateral Transfers

- a. An employee may be transferred from one department to another in the same class or in a different class of the same grade at his/her request subject to the following conditions:

- (1) The Human Resources Director must certify that the employee is qualified to perform the duties of the position to which he/she is being transferred.

(2) The department head or deputy of the releasing department must be given the opportunity to set a date for the transfer which shall not be more than thirty calendar days after the date when the employee was selected for transfer.

b. Notwithstanding the above, the County Executive, for the good of the competitive service, may transfer an employee from a position in one department to a position of the same class in another department, or to a position of a different class, in the same grade in another department, for which the employee meets the minimum qualifications.

8.3 Promotions

-1 Promotional Policy

A promotion is a transfer to a position in a class with a higher pay grade. In order to provide quality public service, it shall be the policy of Fairfax County Government to provide a career service for its employees, which encourages individual development, and acquisition of skills and experience, which will better serve citizens.

a. As far as practicable, and within the constraints of Chapter 7 of the Personnel Regulations, the policy for filling vacant positions in the competitive service shall be to foster and encourage career development and upward mobility through competitive promotional opportunities for eligible County employees.

b. In order to maintain a highly effective workforce, when the Human Resources Director determines that there may be an insufficient number of well qualified current County employees or when limiting the competition to current County employees would perpetuate a serious imbalance of the workforce in terms of race or sex, he/she may direct that the examination for such positions also be open to all other qualified persons.

-2 Demotion During Promotional Probationary Period

When an employee who has been promoted does not meet performance requirements in the higher class, he/she shall be demoted prior to the end of the probationary period subject to the terms listed below. The employee will be placed in a vacant position in a class and grade similar to that held prior to promotion.

a. The department into which the employee was promoted has primary responsibility for locating a position for the employee.

- b. If the current department does not have an appropriate vacant position, the department head must notify the Human Resources Director in writing. The Human Resources Director, after verifying that no appropriate vacancy exists in the current department, will direct the head of the department from which the employee was promoted to locate a position for the employee.
- c. Where no appropriate vacancy exists in the employee's current agency or former agency, the employee being demoted shall be separated and shall have his/her name placed on the reemployment list for the class held prior to promotion. In addition, at the employee's option, his/her name may be placed on the reemployment list for lower level positions for which he/she is qualified. An employee, whose name is placed on the reemployment list under this provision, shall be certified for appropriate vacancies but is not guaranteed placement.
- d. An employee who is demoted must satisfactorily complete any required medical examination.
- e. Upon demotion, the employee's rate of pay shall be determined in accordance with the provisions stated in Chapter 4.

-3 Acting Capacity Promotion

- a. A department head or designee requesting an acting capacity promotion of an employee shall submit the request to the Division Director, Employment Division, Department of Human Resources, and shall indicate the reason for the acting capacity promotion and the duration of the action.
- b. When an acting capacity promotion to an authorized, budgeted and established position is approved by the Division Director, Employment Division, Department of Human Resources, the incumbent's compensation for the performance in the acting capacity shall be the greater amount of either the minimum rate of the new pay grade or half of the promotional increase rate in accordance with Personnel Regulation 4.7. (or for public safety employees the next higher dollar rate in the new pay grade as compared to the dollar rate in the employee's position held prior to the acting capacity promotion).
- c. An employee selected for a position under this policy must meet the minimum qualifications for the higher level position.
- d. The employee's performance pay increase date shall not change upon an acting capacity promotion.
- e. At the end of the period of authorized acting capacity, the employee shall

return to the grade and salary (grade and step for public safety employees) held prior to the acting capacity assignment with appropriate adjustments for performance pay increases due while in the acting capacity assignment.

- f. This policy shall not apply to positions authorized by the Human Resources Director to be underfilled.

8.4 Reclassification of Position to a Higher Level

When a merit position is reclassified to a higher-grade level, the Human Resources Director shall certify the incumbent as qualified for the position. If the incumbent does not meet the minimum standards for the new classification, he/she must execute a work agreement approved by the Human Resources Director or designee identifying the steps to be taken for the incumbent to meet the minimum requirements for the higher grade job class.

8.5 Demotions

A demotion is a transfer to a position in a class with a lower pay grade.

- 1 A department head may transfer an employee to a merit position at a lower pay grade, for which the employee meets the minimum qualifications, when an employee voluntarily requests such a demotion, as reasonable accommodation for partial disability or in accordance with the reduction-in-force procedures as specified in Chapter 9.
- 2 A department head may transfer an employee to a merit position at a lower pay grade for which he/she meets the minimum qualifications, with or without the consent of the employee concerned, when the employee is not rendering satisfactory service in the position he/she holds.
- 3 Demotions for disciplinary reasons shall be implemented in accordance with Chapter 16 of the Personnel Regulations.
- 4 An employee who is to be demoted, to a position in a class in which he/she has not previously served may, at the direction of the Human Resources Director, be required to be certified as meeting the minimum qualifications for the new class.
- 5 Upon demotion, the employee's rate of pay shall be determined in accordance with the provisions stated in Chapter 4.
- 6 An employee who has been promoted and does not meet departmental performance requirements in the higher class, shall be demoted prior to the end of the probationary period in accordance with Personnel Regulations 8.3-2.