

## **RULE 9 - PROMOTION, DEMOTION, TRANSFER, AND REASSIGNMENT**

### **9.01 PROMOTION**

A. Vacancies within the Office may be filled by promotion of qualified law enforcement officers in accordance with these Rules. Promotions shall be competitive examinations, except as provided in Rule 7.03, and selection made in accordance with A.R.S. § 38-1001, *et seq.* and procedures established in these Rules.

B. A law enforcement officer other than those officers holding an at-will position who is promoted shall be required to serve a probationary period as provided Rule 8.01.

### **9.02 DEMOTION**

#### **A. Involuntary**

1. A law enforcement officer who has achieved regular status may be demoted for failure to successfully pass promotional probation.

2. A regular status law enforcement officer, who is not at-will, may be demoted for disciplinary reasons when the Sheriff finds just cause. The Sheriff will provide the law enforcement officer and the Director with a Notice of Intent to Take Disciplinary Action ("Notice"). The Notice shall contain specific reasons for such demotion and shall provide the law enforcement officer with a minimum of seven (7) days to respond orally or in writing. The Notice shall state the date/time the Loudermill Hearing will be held.

The Loudermill Hearing is not an evidentiary hearing and the law enforcement officer is not entitled to be represented by counsel or to cross-examine or confront witnesses, or to present testimony of witnesses on their own behalf. An extension shall be granted only for good cause.

If after the Loudermill Hearing, the Sheriff determines that the demotion should occur, the law enforcement officer and Director shall be furnished with an Order of Disciplinary Action ("Order") and Statement of Charges containing the reasons for such demotion. The Sheriff shall include in the written statement to the law enforcement officer a notice of his right to

appeal in writing to the Council within ten (10) business days from the date of the Order.

## **B. Voluntary**

If a law enforcement officer makes a written request for voluntary demotion within the Office, the Sheriff may make such demotion, either competitively or noncompetitively, upon certification by the Director in consultation with the Business Liaison that the law enforcement officer meets the minimum qualifications of the position. In such cases, the demotion will be deemed to have been made on a voluntary basis and there shall be no right of appeal. A law enforcement officer who takes a voluntary demotion is subject to a six (6) month period of probation. A copy of the law enforcement officer's written request shall be filed with the Director by the Sheriff and placed in the law enforcement officer's official personnel file.

### **9.03 TRANSFER**

A transfer of a law enforcement officer may be made between positions in the same range of pay within the Office or from one position in the same grade without loss of benefits within County Service. A law enforcement officer who is transferred is not subject to probation, unless the law enforcement officer was transferred while serving a term of probation.

### **9.04 REASSIGNMENT**

Based on operational needs, the Sheriff has the authority to make reassignments and transfers within the Office as deemed necessary. A law enforcement officer who is reassigned is not subject to probation, unless the law enforcement officer was reassigned while serving a term of probation.