

The transfer of an employee against his consent from a position in a given class to a position in a different class for which a lower maximum rate of compensation is prescribed shall be considered a demotion and may be made only under the provisions governing removal and demotion herein.

15. An employee may be permanently separated from the classified service through resignation, rejection on probation or removal, and may be temporarily separated through lay-off, suspension or leave of absence.

The Commissioner shall by rule prescribe what shall constitute resignation.

The appointing authority may at any time before the expiration of a probation period, prescribe by the rules of the Commissioner which in no event shall exceed six months, reject any person appointed to a position in his department upon statement in writing to the Commissioner of the cause for rejection; providing that no appointing authority shall have power to remove a probationer who has been appointed by promotion from another class without the consent of the Commissioner; and provided further, that no appointing authority who has removed a probationer as hereinbefore set out shall have power to exercise such right of removal again with respect to any other probationer in a position of the same class within three calendar months after such removal. The employee so rejected shall be considered permanently separated from such position, but the Commissioner may keep the name of the person thus rejected on the eligible list from which he was appointed for future certification to another position in the class to which the list applies.

No employee who has completed his probation may be permanently removed from the classified service except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges may be filed by the appointing authority or by any citizen, provided, however, that no such charges may be filed by a citizen without the consent of the appointing authority or of the Commissioner, and such charges shall, within ninety days after filing, be heard, investigated and determined by the Commissioner or by some person or board appointed by the Commissioner to hear, investigate and determine the same.

The finding and decision of the Commissioner or of such person or board when approved by the Commissioner shall