

[4-602.

A classified service employee may not be transferred from one principal department or other independent unit to a different principal department or other independent unit without the consent of the respective appointing authorities.]

[4-603.

(a) If a classified service employee is transferred to a different class that has a higher maximum rate of pay, the transfer is a promotion.

(b) A transfer that is a promotion is considered a new appointment and may be made only in accordance with Subtitles 2 and 3 of this title.]

[4-604.

(a) If a classified service employee is transferred involuntarily to a different class that has a lower maximum rate of pay, the transfer is a demotion.

(b) (1) A transfer that is a demotion under this section may be made only for cause, on written charges submitted to the Secretary.

(2) The employee may appeal the proposed demotion to the Secretary within the time and in the manner required by regulation.

(3) If the employee fails to appeal within the time and in the manner required, the demotion is final.

(c) (1) If the employee appeals the demotion, the Secretary shall hold a hearing to determine whether there is cause for the demotion.

(2) The hearing shall be held within 90 days after the written charges for the demotion are submitted to the Secretary.

(d) (1) The Secretary shall make findings and issue a written decision on an appeal within 45 days after the later of:

(i) the conclusion of the hearing; and

(ii) the day when all briefs or memoranda have been submitted.

(2) The Secretary shall provide a copy of the findings and decision to each party.

(3) The decision of the Secretary is final.

(e) The appointing authority immediately shall enforce a final decision issued under this section.]