

**3335-49-01 Procedure for adoption, amendment or rescission of rules affecting persons in the classified civil service at the Ohio state university.**

- (A) The adoption, amendment or rescission of any rule affecting employees in the classified civil service at the Ohio state university shall comply with the provisions of section 111.15 of the Revised Code.
- (B) The proposed new, amended or rescinded rules shall be presented to the Ohio state university board of trustees for approval.
- (C) After the Ohio state university board of trustees has approved the proposed rules, and at least ten days prior to the effective date, all rule(s) in their final form shall be filed electronically with both the secretary of state and the legislative service commission.
- (D) The office of human resources shall make a reasonable effort to notify employees who may be affected by the adoption, amendment or rescission of any rule. The office of human resources shall make available the full text of the rule or rules as adopted or amended to any person upon request. (B/T 6/14/82, B/T 6/22/97, B/T 7/1/01, B/T 6/5/2009)

**3335-49-02**

To the degree that new rules have been adopted, they supersede any statute covering the subject matter in accordance with HB187. (B/T 10/29/2009)

**3335-49-03 The Ohio state university opts out of the following provisions of the Ohio Revised Code:**

- (A) Section 124.22 of the Revised Code, educational and citizenship requirements for civil service examinations.
- (B) Section 124.231 of the Revised Code, special examinations for legally blind or legally deaf persons.
- (C) Section 124.25 of the Revised Code, formal application for examination.
- (D) Section 124.26 of the Revised Code, eligibility lists – veteran’s preference – provisional employees.
- (E) Section 124.27 of the Revised Code, appointments from eligibility list – probation.
- (F) Section 124.271 of the Revised Code, provisional employees.
- (G) Section 124.31 of the Revised Code, promotions.
- (H) Section 124.33 of the Revised Code, transfers – appeal – reimbursement of expenses. (B/T 10/29/2009)

**3335-67-01 Nature of the probationary period.**

- (A) Employees serve a probationary period following:
  - (1) An original classified appointment;
  - (2) A promotion; or
  - (3) A lateral change from one classification to another outside of the classification series.

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- (B) Employees whose titles are changed through the reclassification process do not serve a new probationary period.
- (C) An employee shall be provided with coaching and feedback during the probationary period.
- (D) An employee shall be provided with a performance review prior to the end of the probationary period, unless terminated before the end of the period.
- (E) If an employee's job performance does not meet the expectations of the position following an original appointment, lateral change outside of the employee's classification series, or promotion, then:
  - (1) Following an original appointment, an employee may be terminated at any time during the probationary period; or
  - (2) Following a promotion or a lateral change outside of the employee's classification series, an employee may be returned to the former classification at any time during the probationary period.
- (F) When an employee is terminated or returned to the former classification during the probationary period, the university shall send a written notice to the employee. This termination or return to the former classification is not subject to appeal.
- (G) Any employee terminated from employment during a probationary period, except when terminated for cause, may be eligible for rehire at the discretion of the office of human resources.
- (H) An employee terminated from employment during a probationary period, except when terminated for cause, is not eligible to reapply for the same or higher classification for a period of one year from the termination date unless an exception is granted at the discretion of the office of human resources.
- (I) Any employee terminated for cause from university employment is permanently ineligible for re-employment with the university.

Prior Effective Dates: 6/14/82, 6/22/97, 7/1/01

3335-67-02 Length of the probationary period.

The probationary period for full time and part time classified civil service employees is one hundred seventy nine calendar days. Longer probationary periods, not to exceed one year, may be specified by the university. Time spent on leaves of absence or layoff are not credited as part of the probationary period.

Prior Effective Date: 6/14/82, 6/22/97

**3335-75-01 Performance management and review.**

- (A) Performance management is an ongoing process between the employee and supervisor that includes setting expectations and goals, coaching, feedback, training and development, and performance review.
- (B) Employees shall have a written performance review on an annual basis. An employee shall be provided with a performance review prior to the end of the probationary period, unless terminated before the end of the period. The performance review is a summary of the employee's performance for the review period, and may serve as a step in the performance improvement process.

**3335-75-02 General procedure for addressing deficient performance and terminations.**

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- (A) Supervisors shall manage deficient performance through the process defined by the office of human resources. The university at its discretion may move directly to termination in cases that warrant immediate termination.
- (B) The performance improvement process may be initiated for, but not limited to the following reasons: incompetency, inefficiency, dishonesty, use or being under the influence of alcohol or illegal drugs at work or inappropriate use of prescription drugs, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, a violation of university rules or policy, failure to return from a leave of absence, other failure of good behavior, misfeasance in office, malfeasance in office, nonfeasance in office, other unsatisfactory job performance, conviction of a felony, or by voluntary written agreement by an employee; this is not an exhaustive list.
- (C) At each step in the performance improvement process the employee shall be notified in writing of their level in the process, the nature of their deficient performance, the expectations for performance, the consequences of continued deficient performance, and the effective date of the action. The employee shall be notified in writing when being terminated. This notification shall advise the employee of the right to appeal to the state personnel board of review, if applicable. Any such appeal shall be made in accordance with the rules of the state personnel board of review.
- (D) Any employee who is absent for three or more successive days, without approved leave and/or without notice to the employing unit of the reasons for such absence, may be subject to termination for neglect of duty.
- (E) The following conditions apply to any employee who is convicted of a felony:
  - (1) Conviction of a felony is a separate basis for reducing in pay or position, suspending, or terminating an employee, even if the employee has already been reduced in pay or position, suspended, or terminated for the same conduct that is the basis of the felony. An employee may not appeal to the state personnel board of review any disciplinary action taken by an appointing authority as a result of the employee's conviction of a felony.
  - (2) A person convicted of a felony immediately forfeits the person's status as a classified employee at the university on and after the date of conviction for the felony. The university, upon the person's request, may investigate the circumstances of the felony and may, at its discretion, allow the person to apply or re-apply for university employment.
  - (3) Any person terminated for a conviction of a felony is entitled to a cash payment for any accrued but unused vacation leave.

Prior Effective Dates: 6/14/82, 6/22/97, 7/1/01

**3335-89-01 Definition of terms.**

For the purposes of Chapters 3335-49 to 3335-89 of the Administrative Code, the following terms are defined as follows:

- (A) "Abolishment" - the elimination of a position due to lack of funds, lack of work, reasons of economy, or a reorganization for efficiency.
- (B) "Appointing authority" - the board of trustees for the university has delegated its authority regarding civil service employment matters to the vice president for human resources.
- (C) "Appointment" - the administrative process of placing a university employee on the payroll.
- (D) "Base rate of pay" - the actual salary or wage an employee receives for services rendered within the pay range of the classification.

- (E) "Broadbanding" - one of the university's classification and compensation systems characterized by broader classifications, pay ranges, simplified classification administration, and market based compensation administration.
- (F) "Certified status" - a classified civil service status obtained for a specific classification upon satisfactory completion of the applicable probationary period or, when there is no probationary period, upon completion of 180 days in the specific classification with satisfactory performance.
- (G) "Classification" - common name for a group of positions sufficiently related with respect to duties, responsibilities, authority and qualifications so that the same descriptive classification title and same pay range may be used for each.
- (H) "Classification plan" - a system of classifications or series of jobs, with a specification and pay range assignment for each classification.
- (I) "Classified civil service" – all positions with a title under the Ohio state university's classified civil service title group, found on the office of human resources web site. Any position not included in this group is not classified civil service.
- (J) "Day" - unless otherwise specified, "day" means one calendar day.
- (K) "Demotion" - placement of an employee in a classification that has a lower pay range than that previously held.
- (L) "Displace" or "displacement" - the exercise of the procedures outlined in Chapter 3335-81 of the Administrative Code that results in the substitution of one employee by another employee with higher retention points who can perform the required duties, has met expectations in the last three annual performance reviews, and is not on major corrective action.
- (M) "Emergency appointment" - an appointment to a position to meet an emergency situation, an exception from civil service rules, not to exceed a maximum of 179 days.
- (N) "For cause" – a type of termination from employment for one or more of the following reasons: incompetency, inefficiency, dishonesty, use or being under the influence of alcohol or illegal drugs at work or inappropriate use of prescription drugs, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of university rules or policies, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony.
- (O) "Full-time employment" - employment where the work schedule is normally forty hours per week.
- (P) "Intermittent employment" - an appointment which serves at the discretion of the appointing authority and where the employee works irregular hours or days on an as-needed basis.
- (Q) "Jurisdiction" - the limited location in which procedures for layoff, displacement, and reinstatement may be exercised. The Columbus campus, excluding the medical center; the medical center; each regional campus; and the agricultural technical institute and Ohio agricultural research and development center are each separate and distinct jurisdictions. Units located outside of Columbus in a county where a regional campus is located are part of that jurisdiction; otherwise, the jurisdiction is limited to that county only. Units located outside of Ohio are each their own jurisdiction.
- (R) "Lack of funds" - a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations. A lack of funds shall be presumed for a position assigned to an employee who works under a grant if it is reduced or withdrawn.

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- (S) "Lack of work" - a current or projected decrease in workload that requires a reduction of current or projected staffing levels in the organization or its structure.
- (T) "Leave of absence" - a temporary separation from active pay status with the employee generally retaining employment status and seniority.
- (U) "Licensed practitioner" - a physician, psychiatrist, or psychologist who is licensed to perform medical or psychological examinations.
- (V) "Major corrective action" - any corrective action at the third level notice or above or in accordance with collective bargaining agreements.
- (W) "Medical center" - includes the James cancer hospital and Solove research institute, office of health sciences and college of medicine, OSU Harding hospital, OSU primary care network, OSU rehabilitation services at Dodd hall, Ross heart hospital, shared services, specialty care network, university hospital, and university hospital east.
- (X) "Notice level" - a step in the performance improvement process.
- (Y) "Original appointment" - an individual's first classified civil service appointment with the university.
- (Z) "Parenthetical sub-title" - a group of positions logically falling within a single classification, but distinguished from other positions within that classification by the performance of specific functions or duties requiring specialized skill, knowledge or training.
- (AA) "Part-time employment" - employment where the work schedule is normally less than forty hours per week.
- (BB) "Pay range" - a division of a pay plan to which classifications are assigned.
- (CC) "Position" - a specific job requiring the performance of certain duties and responsibilities by an employee.
- (DD) "Pre-employment screening" - process of collecting information about individuals to assess job qualifications or fitness for duty. Specific examples include background checks, drug tests, and declaration of material assistance, among others.
- (EE) "Probationary period" - a period of time at the beginning of an original appointment, or a promotion, or a lateral change from one classification to another that constitutes a trial or testing period for the employee, during which the employee may be terminated or returned to the former classification.
- (FF) "Promotion" - placement of an employee in a vacant position in a classification that has a higher pay range than that previously held.
- (GG) "Reassignment" - an involuntary temporary or permanent move of employment within the same or similar classification and/or work location within the same jurisdiction of the university.
- (HH) "Reclassification" - the act of changing the classification of an existing occupied position.
- (II) "Reduction in force" - a decrease in the number of positions at the university's initiative due to a lack of funds, lack of work, reasons of economy, or reorganization for efficiency.
- (JJ) "Regular employment" - employment which customarily requires the services of an employee on a regularly scheduled and continuing basis.
- (KK) "Reinstatement" - the act of returning a former employee to the same or similar position within the university classified civil service, following a period of not more than one year of separation.

- (LL) "Reorganization for efficiency" - current or projected decrease in workload that requires a reduction of current or projected staffing levels in an organizational structure; change in the nature of the work or direction or purpose of the unit; or elimination of a unit.
- (MM) "Seasonal employment" - regular employment where the service reoccurs for a specified period of time during a particular time of the year.
- (NN) "Specification" - a composite of the duties and requirements of a classification.
- (OO) "Target hiring range" - is established prior to posting a position based upon budgeted funds for the position, identified skills and/or experience, salaries paid within the college or vice president unit for similar positions, organizational scope and an assessment of the relevant competitive market. The target hiring range should normally have a spread of \$3,000 to \$8,000; the range may vary based on the circumstances at the time of posting.
- (PP) "Temporary employment" - an appointment that serves at the discretion of the appointing authority and:  
(1) Is for a limited duration;  
(2) Is for a specific project;  
(3) Augments regular staff due to increased work loads or staff shortages; or  
(4) Replaces a regular employee during an absence due to illness, leave of absence or vacation.
- (QQ) "Termination" - the involuntary ending of an employee's employment with the university.
- (RR) "Transfer" - a voluntary move of employment as a result of an application for a different position.

(B/T 6/14/82, 6/22/97, 1/2/98, 7/1/01, 6/5/2009, 10/29/2009)