

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- (B) The proposed new, amended or rescinded rules shall be presented to the Ohio state university board of trustees for approval.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 124.14 of the Revised Code, job classification – pay ranges.
- (B) Section 124.22 of the Revised Code, educational and citizenship requirements for civil service examinations.
- (C) Section 124.231 of the Revised Code, special examinations for legally blind or legally deaf persons.
- (D) Section 124.25 of the Revised Code, formal application for examination.
- (E) Section 124.26 of the Revised Code, eligibility lists – veteran’s preference – provisional employees.
- (F) Section 124.27 of the Revised Code, appointments from eligibility list-probation.
- (G) Section 124.271 of the Revised Code, provisional employees.
- (H) Section 124.31 of the Revised Code, promotions.
- (I) Section 124.33 of the Revised Code, transfers – appeal – reimbursement of expenses. (B/T 10/29/2009, 2/5/2010)

3335-49-04 The Ohio state university opts out of the following provisions of the Ohio Administrative Code:

- (A) Chapter 123: 1-3 of the Administrative Code, position audits and changes to classification plan
- (B) Chapter 123: 1-5 of the Administrative Code, classified and unclassified service classification
- (C) Section 123:1-7-04 of the Administrative Code, specifications
- (D) Chapter 123: 1-10 of the Administrative Code, automatic certification

- (E) Chapter 123: 1-25 of the Administrative Code, transfers, reinstatements, and seasonal promotions
- (F) Chapter 123: 1-27 of the Administrative Code, suggestion award system
- (G) Chapter 123: 1-28 of the Administrative Code, combined charitable campaign
- (H) Chapter 123: 1-35 of the Administrative Code, payroll
- (I) Chapter 123: 1-37 of the Administrative Code, pay supplements
- (J) Chapter 123: 1-43 of the Administrative Code, overtime and compensatory time
- (K) Chapter 123: 1-44 of the Administrative Code, holidays
- (L) Chapter 123: 1-47 of the Administrative Code, definitions

Chapter 51: Reclassifications, Certification

3335-51-01 Position audits and reclassifications.

- (A) The university may initiate audits and reviews of positions and classifications.
- (B) An employee may request from the office of human resources a review for the purposes of determining whether a position is properly classified. An employee may request only one position review per twelve month period.
- (C) When an audit or review is conducted, the following sources for that investigation include, but are not limited to, any employee, an employee's authorized representative, or college/department officer. When the office of human resources finds that inequities or improper classifications of positions exist, appropriate remedial steps may be taken to provide a more equitable, just and proper classification. The affected employee(s) shall be given a written notice of the decision of the audit or review.
- (D) If a position is reclassified outside the original classification as a result of an audit or review, the incumbent's probationary period is waived for the new classification.
- (E) Whenever a position reclassification determination is made, the office of human resources shall provide written notice to the employees. The office of human resources shall determine the classification within four weeks of receipt of the request. The effective date shall be the first day of the pay period following the conclusive determination. An employee may appeal the decision to the state personnel board of review within thirty days of receipt of the decision.
- (F) Position audits will not be performed when deemed not appropriate by the office of human resources. Such circumstances may include but not be limited to when the incumbent is serving in a temporary appointment, a probationary period, on a leave of absence, receiving disability leave benefits, or the subject of a reduction in force.

Prior Effective Date: 6/14/82, 6/22/97, B/T 9/6/2002

3335-51-02 Notification of employees.

- (A) Whenever the classification title of a position changes, other than by process of promotion or demotion, or whenever the university establishes or deletes classifications and such actions result in the reclassification of incumbent classified employees, notification shall be made in writing to any individual affected by the change.
- (B) Any classified employee may appeal the reclassification to the state personnel board of review within thirty days after receipt of the notification of reclassification or notice of results of a position audit or review.

Prior Effective Date: 6/14/82, 6/22/97, B/T 9/6/2002

3335-51-03 Certified status.

- (A) An employee obtains certified status in the classification after serving the probationary period for that classification as stated in rule 3335-67-02 of the Administrative Code. When there is no probationary period, employees obtain certified status in the classification upon the completion of 180 days with satisfactory performance.
- (B) Certified status is not available to employees who serve at the discretion of the appointing authority.

Prior Effective Date: 6/22/97, 7/1/01

3335-51-04 Retention of certified status.

- (A) An employee with certified status who receives a classification change shall retain certified status in the new classification if:
- (1) The change is due to a change in the classification plan,
 - (2) The change is to a lower classification within the classification series, or
 - (3) The employee is reclassified as a result of a job audit or review, in which case the employee shall have certified status in the new classification without serving a new probationary period.
- (B) At the discretion of the university, an employee with certified status may:
- (1) Be re-employed or reinstated to the classification held at the time of separation within one year of separation from service; or
 - (2) Displace into a former classification held within the past twelve months pursuant to Chapter 3335-81 of the Administrative Code.
- (C) An employee who achieves certified status in a classification will retain it for twelve months after leaving the classification.
- (D) An employee with certified status may accept an unclassified appointment at which time certified status expires.
Prior effective dates: 5/6/83, 6/22/97, 7/1/01

3335-51-05 Determination of classifications with same or similar duties.

The office of human resources has determined that there are no classifications that have the same or similar duties for purposes of transferring certification or for exercising displacement procedures.

Prior Effective Dates: 5/6/83, 6/22/97, 7/1/01

Chapter 55: Classification Program

3335-55-01 Classification of positions.

All positions in the classified service at the Ohio state university are listed in the university classified civil service title group found on the office of human resources web site, except those exempted by law.

Prior Effective Date: 6/14/82, 3/21/97, B/T 9/6/2002

3335-55-03 Classification plan.

- (A) The university shall establish, modify, or repeal a job classification plan for all positions, offices, and employment in the classified civil service.
 - (B) The university shall assign a classification title to each classification within the classification plan.
 - (C) The university shall assign each classification to a pay range established under Chapter 3335-83 of the Administrative Code.
 - (D) The university shall assign a numbering system for the classification process.
- Prior Effective Dates: 5/6/83, 3/21/97, 7/1/01, B/T 9/6/2002

3335-55-04 Specifications.

- (A) The university shall prepare specifications for each classification in the classified service.
 - (B) Each classification title shall have a corresponding classification specification that sets forth the function statement and minimum qualifications. The function statement shall set forth the primary duties that must be satisfied at least fifty per cent of the time.
 - (C) For the purpose of classifying positions and making job audit or review decisions only, wherever the word "supervises" appears in a classification specification, unless otherwise defined in the specification, "supervises" means that an employee assigns and reviews work, completes employee performance management procedures, rewards exemplary employee performance, recommends disciplinary action, and adjusts grievances.
- Prior Effective Dates: 6/14/82, 6/22/97, 7/1/01

3335-55-05 Appropriateness of duties.

Duties performed shall be appropriate based on the function statement and duties in the specification. The university can assign duties to the employee's position as may be required due to temporary characteristics of the work situation.

Prior Effective Date: 6/14/82, 3/21/97

3335-55-06 Changes in the pay ranges or classification plan.

The university may reassign the pay ranges of classifications and add, modify, or delete classifications. New classifications created pursuant to this rule shall be assigned to one of the established pay ranges.

Prior Effective Date: 6/14/82, 3/21/97, B/T 9/6/2002

Chapter 67: Probationary Periods

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 paid leaves that exceed two weeks, and leaves of absence or layoff are not credited as part of the probationary period. (B/T 6/14/82, 6/22/97, 2/5/2010)

Chapter 73: Leave Policies

3335-73-05 Involuntary disability separation.

- (A) If the university believes that an employee can no longer perform the essential job duties of the position, then the university may request that the employee submit to a medical and/or psychological examination performed by a licensed practitioner designated by the university, and paid for by the university, prior to an involuntary disability separation unless:
- (1) The employee is hospitalized at the time such action is to be taken, or
 - (2) The employee has exhausted accumulated sick leave and medical leave of absence.
- In lieu of requiring an examination, the university may utilize evidence submitted by the employee's licensed practitioner.
- (B) When the university determines that the employee is unable to perform the essential job duties of the position and after receiving the information as noted in paragraph (A) of this rule, the university shall hold a pre-separation hearing. The university shall provide notice of the pre-separation hearing at least seventy-two hours prior to the scheduled hearing.
- (C) At the pre-separation hearing, the university shall consider the information as noted in paragraph (A) of this rule, the essential job duties of the employee's position, and any additional evidence relating to the employee's ability to perform the essential job duties. After considering the evidence, the university shall either issue an involuntary disability separation order or cease the separation proceedings. The appointing authority shall notify the employee in writing of the university's decision.
- (D) An employee separated pursuant to this rule may appeal in writing to the state personnel board of review within ten days after receiving the determination of involuntary disability separation.
- (E) An employee on disability separation shall be reinstated to the same or similar position within thirty days after a written application for reinstatement. Such application for reinstatement shall be filed within two years from the date of separation and shall not be filed after the date of service eligibility retirement. A complete reinstatement application must include a certificate from a licensed practitioner designated by the university who has examined and verified that the employee is able to perform the essential functions of the job. The university shall pay for the examination. If the employee was granted disability retirement, a licensed practitioner designated by the public employee retirement board shall conduct the examination.

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

3335-73-06 Voluntary disability separation.

An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury, or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute the inability to perform the essential job duties of the position.

- (A) The university may grant an employee's request for voluntary disability separation based upon previously submitted medical documentation or may require the employee to submit to an additional medical and/or psychological examination. If the medical documentation supports the employee's request, the university shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the university shall not approve the employee's request for voluntary disability separation.
- (B) An employee who is granted a voluntary disability separation waives the ability to have a pre-separation hearing.
- (C) An employee separated pursuant to this rule may appeal in writing to the state personnel board of review within ten days after receiving the determination of disability separation.
- (D) An employee on disability separation shall be reinstated to the same or similar position within thirty days after a written application for reinstatement. Such application for reinstatement shall be filed within two years from the date of separation. A complete reinstatement application must include a certificate from a licensed practitioner designated by the university who has examined and verified that the employee is able to perform the essential functions of the job. The university shall pay for the examination. If the employee was granted disability retirement, a licensed practitioner designated by the public employee retirement board shall conduct the examination.

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

Chapter 81: Reduction in Force

3335-81-05 Displacement procedures.

- (A) An employee who was laid-off or whose position was abolished and elects to exercise displacement shall ~~fill~~ be placed into a vacancy or displace the employee with the fewest retention points provided in all instances that the employee meets the qualifications of that position, can perform the required duties, and has met expectations in the last three annual performance reviews. Employees who have not met performance expectations in the last three annual performance reviews and who have been given specific steps for improvement, or who are on major corrective action do not have displacement rights.
- (B) The process will occur as follows:
- (1) Placement into a vacancy within the employee's classification.
 - (2) Placement into a vacancy within the next lower classification and each successively lower classification in the employee's classification series.
 - (3) Placement into a vacancy within the classification the employee held immediately prior to holding the classification from which the employee was laid off, provided:
 - (a) That the previous classification is of a lower or equivalent classification;
 - (b) The employee had achieved certified status in the former classification;
 - (c) The employee held the classification within the previous twelve months;
 - (d) The employee can perform the minimum required functions of the position at the time of placement.
 - (4) If no vacancy exists as described above, the employee will displace the individual with the fewest retention points in the classification from which they were laid off.
 - (5) If no vacancies are available and the employee is unable to displace due to having the fewest retention points in the classification from which they were laid off or lack of qualifications, then the employee will be laid off.
- (C) If, after exercising displacement, an employee is subject to further layoff action, displacement shall be in accordance with the current or most recent certified classification, at the discretion of the office of human resources.
- (D) Employees shall notify the office of human resources of their intention to exercise displacement within ten days after receipt of notice of layoff.
- (E) No employee shall displace another employee whose position requires special minimum qualifications, as established by a position description, classification specifications, or by bona fide occupation qualifications, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position.
- (F) If, as a result of layoff, placement or displacement, an employee is serving in a new position or classification, such employee shall be paid according to the target hiring range assigned to the new position or classification.

- (G) If an employee declines placement into a vacant position for any reason, their displacement rights cease immediately; this provision may be waived at the discretion of the office of human resources.
- (H) If for any reason an employee declines to exercise their displacement rights into a position to which they are entitled, their displacement rights cease immediately.
(B/T 10/29/2009)

3335-81-12 Alternatives to layoff during a disaster

If a disaster occurs as contemplated under the Disaster Leave Policy, and there is a lack of work or lack of funds due to the disaster, the university may, at its discretion, find alternatives to layoff. Such alternatives may include, but not be limited to, providing compensation at a different rate of base pay or reducing an employee's work schedule.

Chapter 83: Payroll and Compensation

3335-83-01 Pay ranges and payroll.

- (A) The university shall, through the office of human resources, set the pay ranges for the classification plan and publish or make available the pay range table at least once each year.
- (B) The office of human resources assigns pay ranges to all new or revised classifications.
- (C) The university determines the number of pay periods for each year.
Prior Effective Date: 6/22/97

3335-83-03 Call-back pay.

- (A) Each full-time non-exempt employee who is ordered back to work by the university after the employee's normal work schedule is completed, and who reports for such work, is eligible for call-back pay.
- (B) Those hours worked immediately preceding or directly continuing the employee's regular work schedule shall not be considered for call-back pay.
- (C) An employee entitled to call-back pay receives the greater of four hours of regular hourly pay or one and one-half times the regular hourly pay for the time actually worked.
Prior Effective Date: 6/14/82, 6/22/97

3335-83-04 Temporary pay adjustment.

- (A) An employee who is temporarily assigned to duties of a position with a higher pay range than the employee's assigned pay range is eligible for a temporary pay adjustment, which increases the employee's regular base rate of pay to the greater of:
 - (1) the classification salary base rate of pay of the higher level position, or
 - (2) five per cent above the employee's regular base rate of pay.
- (B) This temporary pay adjustment shall be for a minimum of two weeks and a maximum of one hundred ~~eighty~~ seventy nine days, except when made necessary by reason of sickness or disability of a regular employee, when the adjustment may continue for the length of sickness or disability.
Prior Effective Date: 6/14/82, 6/22/97

3335-83-05 Overtime compensation.

When a non-exempt classified civil service employee is required by an authorized administrative authority to be in an active pay status more than forty hours in any calendar week, the employee shall be compensated for such time over forty hours at one and one-half times the base rate of pay. Such compensation for overtime work shall be paid no later than at the conclusion of the next succeeding pay period.
Prior Effective Date: 6/14/82, 6/22/97

3335-83-06 Compensatory time.

An employee may elect to take compensatory time off in lieu of overtime pay for any overtime worked. Such compensatory time shall be granted by the administrative authority on a time and one-half basis and at a time mutually convenient to the employee and the university within one hundred eighty days after the overtime is worked. After the expiration of the one hundred eighty day period, or upon transfer to a different college/department, the compensatory time shall be paid out at the employee's base rate of pay.

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

3335-83-07 Holiday compensation and premium pay.

- (A) Full-time classified civil service employees shall receive holiday pay for holidays observed by the university and shall not be required to work on those holidays, unless failure to work on such holidays would impair department service.
- (B) If an employee's work schedule is other than Monday through Friday, the employee shall receive holiday pay for holidays observed on the employee's day off regardless of the day of the week on which the holidays are observed. A full-time employee shall receive eight hours of pay for each holiday regardless of the employee's work shift and work schedule. Part-time employees shall be paid holiday pay for that portion of any holiday for which they would normally have been scheduled to work.
- (C) A non-exempt classified civil service employee who is in active pay status for more than forty hours per week and who is required to work on a day designated by university policy as one eligible for holiday premium pay shall be entitled to holiday premium pay for such time worked:
 - (1) At the employee's base pay in addition to one and one-half times the base rate of pay; or
 - (2) At the employee's base pay in addition to compensatory time off at time and one-half.
- (D) The university may establish holiday compensation and premium pay programs that supersede any other program defined in this section, at its discretion. When such programs are established, the university will provide notice to all affected employees.

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

Chapter 89: Definition of terms**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) "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.
- (F) "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.
- (G) "Classification plan" - a system of classifications or series of jobs, with a specification and pay range assignment for each classification.
- (H) "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.
- (I) "Day" - unless otherwise specified, "day" means one calendar day.
- (J) "Demotion" - placement of an employee in a classification that has a lower pay range than that previously held.
- (K) "Displace" or "displacement" - the exercise of the procedures outlined in Chapter 3335-81 of the Administrative Code.
- (L) "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.
- (M) "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.
- (N) "Full-time employment" - employment where the work schedule is normally forty hours per week.
- (O) "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.

- (P) "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.
- (Q) "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.
- (R) "Lack of work" – current or projected decrease in workload that requires a reduction of current or projected staffing levels in the organization or its structure.
- (S) "Leave of absence" – a temporary separation from active pay status with the employee generally retaining employment status and seniority.
- (T) "Licensed practitioner" - a physician, psychiatrist, or psychologist who is licensed to perform medical or psychological examinations.
- (U) "Major corrective action" – any corrective action at the third level notice or above or in accordance with collective bargaining agreements.
- (V) "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.
- (W) "Original appointment" - an individual's first classified civil service appointment with the university.
- (X) "Part-time employment" - employment where the work schedule is normally less than forty hours per week.
- (Y) "Pay range" - a division of a pay plan to which classifications are assigned.
- (Z) "Position" - a specific job requiring the performance of certain duties and responsibilities by an employee.
- (AA) "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.
- (BB) "Probationary period" - a period of time at the beginning of an original appointment, 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.
- (CC) "Promotion" - placement of an employee in a vacant position in a classification that has a higher pay range than that previously held.
- (DD) "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.
- (EE) "Reclassification" - the act of changing the classification of an existing occupied position.

- (FF) "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.
- (GG) "Regular employment" - employment which customarily requires the services of an employee on a regularly scheduled and continuing basis.
- (HH) "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.
- (II) "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.
- (JJ) "Seasonal employment" - regular employment where the service reoccurs for a specified period of time during a particular time of the year.
- (KK) "Specification" - a composite of the duties and requirements of a classification.
- (LL) "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.
- (MM) "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.
- (NN) "Termination" - the involuntary ending of an employee's employment with the university.
- (OO) "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. 2/5/2010)