

### Chapter 73: Leave Policies

#### 3335-73-01 Unpaid leaves ~~of absence~~.

- (A) The university may grant ~~a unpaid~~ leave ~~of absence without pay~~ to a classified civil service employee. Such leave may be for personal or medical reasons for up to a maximum duration of six months and may not be extended.
- (B) An unpaid medical leave ~~due to medical reasons~~ must comply with the following provisions:
  - (1) Medical reasons may include, but not be limited to, the employee's own injury, illness, other medical condition, or when an employee becomes incapacitated to the extent that the employee is unable to perform the essential duties of the position.
  - (2) The employee must state a date by which the employee will return to work. If no date of return can be stated by the employee or if the need for leave continues beyond ~~six~~ months approved family and medical leave, the university may place the employee on disability separation pursuant to this chapter.
  - (3) Appropriate medical documentation must be submitted from a licensed practitioner when applying for the unpaid leave ~~of absence~~.
- (C) Upon completion of such unpaid leave ~~of absence~~, the employee shall return to the same or similar position of employment. If the unpaid leave was for medical reasons, appropriate medical documentation from a licensed practitioner may be required to verify that the employee has been released to return to work. The employee may return to active pay status prior to the originally scheduled expiration of the unpaid leave, if the earlier return is agreed to by both employee and university.
- (D) Failure to return to service within three working days of the completion or valid cancellation of ~~a~~ an unpaid leave ~~of absence~~ without explanation to the appointing authority is cause for termination of employment. An employee who fails to return to service from ~~a unpaid~~ leave ~~of absence~~ and is subsequently terminated or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the unpaid leave ~~of absence~~.
- (E) If it is determined that the unpaid leave ~~of absence~~ is not being used for the purpose for which it was granted, the university may cancel the unpaid leave and direct the employee to return to work by giving written notice by regular mail to the employee. The employee ~~may~~ shall be subject to disciplinary action up to and including termination for any misuse of the unpaid leave ~~of absence~~.  
(B/T 6/14/82, 6/22/97, 7/1/01, 9/17/2010)

#### 3335-73-02 Military leave.

- (A) An employee who enlists or is commissioned in the United States armed forces or who is a member of the Ohio national guard, Ohio military reserve, the Ohio naval militia, or is in the reserves for any branch of the United States armed forces, may request ~~a military leave of~~ absence. Such military leave ~~of absence~~ may be requested for the performance of duty on a voluntary or involuntary basis and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty or an examination to determine

the fitness to perform any such duty. An employee may be absent from university employment pursuant to this rule for a cumulative amount of time not to exceed five years unless special orders are issued by the president of the United States or the United States department of defense.

- (B) An employee who requests ~~a military leave-of absence~~ must provide reasonable advance written notice of such active military service to the university. Such advance notice is not required ~~where~~ when it is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable.
- (C) The university is not required to reemploy a person after military leave if:
- (1) The university's circumstances have so changed as to make such reemployment impossible or unreasonable;
  - (2) Such reemployment would impose an undue hardship upon the university; or
  - (3) The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period.
- (D) Unless otherwise ineligible, upon completion of military service, the employee will apply for reemployment in a timely manner:
- (1) For service of less than thirty-one days, notice must be given no later than the beginning of the first full regularly scheduled work period that starts at least eight hours after return from military service.
  - (2) For service of more than thirty days, but less than one hundred eighty-one days, notice must be given no later than fourteen days after return from military service.
  - (3) For service of more than one hundred eighty days, notice must be given no later than ninety days after return from military service.
- (E) Following a military leave ~~of absence~~, an employee eligible for reemployment shall return, within thirty days of the request of reemployment, to the same or similar position regardless of the employee's civil service status ~~or the existence of an eligible list~~.
- (F) An employee shall be reemployed with all rights and benefits generally available to employees in a comparable unpaid leave ~~of absence without pay~~, including the following:
- (1) All sick and leave, ~~vacation leave, and personal leave~~ that had been accumulated at the time of entering service;
  - (2) All seniority that would have accrued had the employee been on the job;
  - (3) Automatic salary adjustments associated with the position and due the employee had the employee been on the job;
  - (4) Any change in classification or pay range that would be due the employee had the employee been on the job; and

- (5) Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing conditions exclusions.
- (G) This rule does not apply to any employee who, by re-enlisting or extending active duty beyond the commission, displays an intent to remain on extended active duty in the armed services of the United States.
- (H) A reemployed individual shall not be terminated, except for cause or other legitimate non discriminatory reasons:
- (1) Within one year twelve months after the date of reemployment, if the employee had been employed by the university for more than one hundred eighty days prior to the date of reemployment; or
- (2) Within one hundred eighty days after the date of such reemployment, if the employee had been employed by the university for more than thirty days but less than one hundred eighty-one days prior to the date of reemployment.
- (I) Discrimination or retaliation with regard to any aspect of employment against an individual for voluntary or involuntary membership in uniformed service is prohibited. (B/T 6/14/82, 6/22/97, 7/1/01)
- (J) Family and medical leave as it applies to members of the military and their family members is provided for in university human resources policy.

## 3335-73-03 Court leave.

- (A) The university shall grant court leave without loss of pay to any employee who:
- (1) Is summoned for jury duty;
- (2) Is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses, where-when the employee is not a party to the action; or
- (3) Is the appellant in any action before the state personnel board of review and is in active pay status at the time of a scheduled hearing.
- (B) Any employee who is appearing before a court or other legally constituted body in a matter in which the employee is a party may be granted vacation time or unpaid leave of absence without pay. Such instances would include, but not be limited to: criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.  
(B/T 6/22/97)

## 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-require that the employee submit to a medical, and/or psychological, and/or functional capacity examination performed by a licensed practitioner

designated by the university, and paid for by the university, prior to an involuntary disability separation unless the employee is hospitalized at the time such action is to be taken.

~~(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~~ use medical documentation 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)(D)~~ An employee on disability separation shall be reinstated to the same or similar position within thirty days a reasonable period of time 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. (B/T 6/14/82, 6/22/97, 7/1/01, 9/17/2010)

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, and/or functional capacity 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~~ a reasonable period of time 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. (B/T 6/14/82, 6/22/97, 7/1/01, 9/17/2010)

#### 3335-73-07 Administrative leave.

- (A) The university may, ~~in its discretion~~, place an employee on administrative leave with pay at its discretion. Such leave is to be used in circumstances ~~where when~~ the health or safety of any employee or of any person or property entrusted to the employee's care could be adversely affected or during an administrative investigation as determined by the office of human resources. Compensation for administrative leave shall be equal to the employee's base rate of pay. The length of such leave is solely at the discretion of the university. (B/T 7/1/01, 9/17/2010)
- (B) The university may place an employee on administrative leave without pay at its discretion if the employee has been charged with a violation of law that is punishable as a felony. Such leave may be for a reasonable period of time. If the employee subsequently does not plead guilty to or is not found guilty of a felony but a misdemeanor, the university shall assess the nature of the conviction and determine if the employee should be reinstated to the job held prior to the conviction. Based on the nature of the conviction, the employee may be reinstated or terminated.

## Chapter 79: Sick Leave

#### 3335-79-01 Crediting of sick leave.

Sick leave credit accrues at the rate of 4.6 hours for each eighty hours of service in an active pay status, including paid vacation, overtime, and sick leave, but not during ~~an unpaid leave of absence~~, or layoff. Part-time, seasonal and temporary employees accrue sick leave at the same rate.

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

#### 3335-79-02 Retention of sick leave.

An employee who transfers from another Ohio public agency to the university or who has prior service with an Ohio public agency shall upon employment with the university be credited with all sick leave not used or converted to a cash benefit, provided that such ~~re-employment~~ reemployment takes place within ten years of the date of which the employee was last employed in public service.

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

3335-79-03 Expiration of sick leave.

~~If illness or disability continues past the time covered by earned sick leave, then the An~~ employee may be either granted ~~a unpaid leave of absence~~ in accordance with rule 3335-73-01 of the Administrative Code, or placed on a disability separation in accordance with rule 3335-73-04 of the Administrative Code prior to the expiration of earned sick leave. ~~If a leave of absence is granted and illness or disability continues past expiration of the leave, a disability separation may then be granted.~~

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

3335-79-04 Charging of sick leave.

Sick leave shall be charged in minimum units of one-tenth hour. An employee shall be charged for sick leave only for days upon which the employee otherwise would have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

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

3335-79-05 Uses of sick leave.

(A) Sick leave shall be granted to an employee upon approval of the appropriate administrative official and for the following reasons:

- (1) Illness or injury of the employee or a member of the employee's immediate family;
- (2) Death of a member of the immediate family (sick leave usage limited to five working days);
- (3) Medical, psychological, dental, or optical examination or treatment of employee or a member of the employee's immediate family;
- (4) If a member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee; or when through exposure to a contagious disease, the presence of the employee at the job would jeopardize the health of others; or
- (5) Disability due to pregnancy ~~Pregnancy~~ and/or childbirth and other related ~~related thereto~~ conditions

(B) Definition of "immediate family" for ~~For~~ the purpose of this chapter, "immediate family" is defined by university human resources policy; ~~— spouse, domestic partner, mother, father, sister, brother, daughter, son, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent-in-law, grandchild-in-law, or corresponding relatives of the employee's partner, other persons for whom the employee is legally responsible, and anyone who stood in loco parentis to the employee as a child.~~

(C) An employee who becomes eligible for workers' compensation payment for loss of time may choose to use sick leave before such payments are made. An employee who wishes not to use sick leave to cover such loss of time must request an unpaid leave ~~of absence in accordance with rule 3335-73-01 of the Administrative Code.~~

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

3335-79-06 ~~Evidence Documentation~~ required for use of sick leave.

If medical attention is required, a certificate from a licensed practitioner stating the nature of the illness may be required for the use of sick leave. Falsification of sick leave documentation is grounds for disciplinary action up to and including dismissal/termination.

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

3335-79-07 Notification by employee.

When an employee is unable to report to work, the employee shall notify the ~~immediate supervisor or other designated~~ person designated by the university within the time frame established by the ~~college/department~~university, unless emergency conditions make such notification impossible. The requirement for subsequent notification will be governed by the nature of the circumstances and the requirements established by the ~~college/department~~university.

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

3335-79-08 Employee medical or psychological examination.

- (A) The university may require an employee to take a medical, ~~and/or~~ psychological, and/or functional capacity examination, conducted by a licensed practitioner selected by the university, to determine the physical and/or mental capability to perform the essential duties of the employee's position. The university may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information including but not limited to physical and mental requirements of the employee's position, duty statements, job classification specifications, and position descriptions. The university shall pay for the examination.
- (B) An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of an examination amounts to insubordination, and may subject the employee to discipline up to and including termination.
- (C) If found unable to perform the essential duties of the position, the employee may be placed on sick leave, ~~medical-unpaid~~ leave or disability separation.
- (D) Medical and psychological reports shall be maintained as confidential records to the extent allowable pursuant to section 149.43 of the Revised Code and Chapter 1347- of the Revised Code.

Prior Effective Dates: 6/14/82, 6/22/97, 1/2/98, 7/1/01

3335-79-09 Sick leave compliance.

Employees failing to comply with sick leave rules set forth in Chapter 3335-79 of the Administrative Code shall not be paid for such absences. Application for sick leave with the intent to defraud ~~will~~ shall result in dismissal/termination and refund to the university of salary or wages paid during such sick leave.

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

3335-79-10 Retirement payout of sick leave.

- (A) Upon retirement from active university service after ten or more years of combined service with the university, state of Ohio, or any of its political sub-divisions, an employee may choose to be paid for one-fourth of the accrued unused sick leave credit up to a maximum payment of two hundred forty hours. This payment shall be based upon the employee's rate of pay at the time of retirement. Upon accepting such payment, all sick leave credit accrued up to that time will be eliminated.
- (B) Payout of sick leave will be made only once to any employee. ~~That is, an~~An employee who returns to state of Ohio or university service after retiring and receiving a sick leave payout may accrue and use sick leave as before, but may not subsequently convert the unused sick leave into another payout.
- (C) Sick leave conversion does not apply to any termination or separation other than retirement, except as provided in rule 3335-79-11 of the Administrative Code.

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

3335-79-11 Payout of sick leave upon death.

- (A) If an employee dies while actively employed by the university, and had ten or more years of state of Ohio or any of its political sub-divisions and/or university service, payment for one fourth of the accrued unused sick leave up to a maximum payment of two hundred forty hours- ~~shall be made. shall be paid in accordance with the procedure outlined in paragraph (B) of this rule.~~ This payment shall be based upon the employee's rate of pay at the time of death.
- (B) Payment will be made in accordance with testamentary letters or letters of administration submitted to the office of human resources. In the event such documents do not exist, the university may make payment in accordance with section 2113.04 of the Revised Code.

3335-79-11 Payout of sick leave in other situations.

The vice president of the office of human resources may establish or approve sick leave payout programs in addition to any other programs defined in this section, at her or his discretion.

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

## **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-position audit for the purposes of determining whether a position is properly classified. An employee may request only one position review-audit per twelve month period.
- (C) When an audit ~~or review~~ is conducted, the following sources for that investigation include, but are not limited to, documentation, 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 ~~affected employee~~ employee(s). 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~~ shall not be performed when deemed ~~not appropriate~~ inappropriate by the office of human resources. ~~Such~~ At the discretion of 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 benefits, or the subject of a reduction in force.

(B/T 6/14/82, 6/22/97, B/T 9/6/2002, 9/17/2010)

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.

(B/T 6/14/82, 6/22/97, 9/6/2002)

3335-51-03 Certified status.

- (A) An employee obtains certified status in the classification ~~after serving upon successful completion of~~ of 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~~ one hundred eighty days with satisfactory performance.
- (B) Certified status is not available to employees who serve at the discretion of the appointing authority.

(B/T 6/22/97, 7/1/01, 9/17/2010)

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~~reemployed or reinstated to the classification held at the time of separation within ~~one year~~twelve months 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~~shall retain it for twelve months after leaving the classification.
  
- (D) An employee with certified status who returns from disability separation to the classification held at the time of separation is reinstated with certified status.
  
- ~~(D)~~(E) An employee with certified status may accept an unclassified appointment at which time certified status expires. (B/T 5/6/83, 6/22/97, 7/1/01, 9/17/2010)

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.

(B/T 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.

(B/T 6/14/82, 3/21/97, 9/6/2002, 9/17/2010)

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. Position-specific minimum qualifications may be identified in the position description.

(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 including termination, and adjusts-addresses grievances.  
(B/T 6/14/82, 6/22/97, 7/1/01, 9/17/2010)

3335-55-05 Appropriateness of duties.

Duties performed shall be appropriate based on the function statement and duties in the specification and the position description. The university can assign duties to the employee's position as may be required due to temporary characteristics of the work situation.  
(B/T 6/14/82, 3/21/97, 9/17/2010)

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.  
(B/T 6/14/82, 3/21/97, B/T 9/6/2002, 9/17/2010)

## **Chapter 57: Applications**

3335-57-01 Job Announcements.

(A) Notice of all vacant or created CCS-classified civil service positions is posted on the jobs web sites maintained by the Office-office of Human-human Resources-resources and the Medical medical Centercenter. The vice president for human resources may waive the requirement to post positions at her or his discretion.

| (B) ~~Minimum requirements-qualifications~~ for all positions must be specified in the posting.

| ~~(B)~~(C) The university may use external print and electronic advertisements to reach the broadest and most diverse pool of applicants.

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

3335-57-02 Evaluation of applicants and candidates.

- (A) Internal applicants will be eligible for consideration if they meet minimum qualifications, have passed probation (if applicable), are certified in current title (if applicable), and are on active pay status. Internal applicants who have not completed probation will not be eligible for consideration unless approved by the ~~Office-office of Human-human Resourcesresources~~.
- (B) External applicants will be eligible for consideration if they meet minimum qualifications as evidenced by their application materials.
- (C) A method of evaluating candidates for each position must be documented prior to the commencement of the selection process for every search.

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

3335-57-03 Selection of candidates is based upon a determination of merit and fitness.

- (A) The university is committed to recruiting and selecting candidates based on a determination of merit and fitness relative to the position.
- (B) Determination of merit and fitness may include an evaluation of factors including but not limited to experience, competencies, knowledge, skills, abilities, education, training, and physical or psychological fitness. Evaluation of applicants may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences. Applicant evaluation must be designed to fairly test the relative capacity of the applicants to perform the duties of the position. Candidate evaluation may include structured interviews; assessment centers; work simulations; ~~;~~ examinations of knowledge, skills, and abilities; and any other acceptable evaluation method.
- (C) Reasonable accommodations for applicants with disabilities may be set prior to the evaluation as determined by the university on a case by case basis. Applicants with disabilities who may require some accommodation in the selection process are responsible for notifying the university prior to the date of selection activity.

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

3335-57-04 Character and fitness of applicant.

- (A) All statements submitted by applicants relating to character and fitness are subject to investigation by the university. Satisfactory information produced to the university that the applicant has committed acts which demonstrate character traits which would be detrimental to the successful performance of the employment sought, including but not limited to: the applicant's ~~dismissal-termination~~ for cause from any previous employment, a conviction of a

crime, an established pattern of poor work habits and performance with previous employers; may be sufficient to exclude the applicant from consideration. The university ~~will~~shall notify the applicant and provide the applicant with an opportunity to respond. This rule does not preclude the university from taking appropriate disciplinary action after appointment.

- (B) Any employee terminated ~~for cause~~ from university employment ~~is~~may be ineligible for ~~re-employment~~reemployment with the university. ~~The office human resources may waive this provision at its discretion.~~

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

3335-57-05 False statements.

- (A) All applicants must provide truthful and accurate information to the university throughout the entire recruitment and selection process.
- (B) Fraudulent conduct or false statements by an applicant, or by others with the applicant's knowledge, in any application or examination, is cause for exclusion from consideration. This rule does not preclude the university from taking appropriate disciplinary action after appointment.

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

## Chapter 59: Examinations

3335-59-01 Examination administration.

- (A) The ~~Office-office~~ of ~~Human-human Resources-resources~~ or its designee administers examinations for original appointment in the classified service ~~at such places~~ as the university deems advisable.
- (B) Applicants with disabilities who may require accommodations to take an examination are responsible for notifying the ~~Office-office~~ of ~~Human-human Resources-resources~~ prior to the date of examination. Reasonable accommodations for applicants with disabilities may be set prior to the examination as determined by the university.
- (C) The university may cancel or postpone a scheduled examination at its discretion. Reasonable efforts will be made to notify applicants of such cancellation or postponement.
- (D) University employees may be released from work without loss of pay to compete in a university civil service examination. The university may limit the granting of such time off to two occasions in any one calendar year.
- (E) An applicant may not repeat an examination within six months from the date of the original examination unless an alternate form of examination is given. The ~~Office-office~~ of ~~Human-human Resources-resources~~ may waive this rule at its discretion.
- (F) To apply for military service examination credit, prior to participation in an examination an applicant shall supply documentation showing that the applicant was in active military service or

reserves for the United States and obtained a discharge that was other than dishonorable or bad conduct. When an applicant passes an examination, a military service credit of twenty percent of the overall passing grade is granted.

3335-59-02 Pre-employment ~~Preemployment~~ medical and psychological examinations.

- (A) When a position requires a medical and/or psychological examination in relation to the essential functions of the position, it will be included in the vacancy notice. Such exams occur after the conditional offer of employment and before employment has started. The offer of employment is contingent upon passing the examination.
- (B) Applicants may be required to furnish medical information from a licensed practitioner who has sufficient medical knowledge as to the applicant's condition as it relates to the essential functions of the position. Such information may not be required until after the conditional offer of employment. The university reserves the right to designate the examining licensed practitioner. The university shall pay for required examinations.
- (C) Medical and psychological reports shall be maintained as confidential records to the extent allowable pursuant to section 149.43 of the Revised Code and Chapter 1347 of the Revised Code.

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

## Chapter 65: Appointments

3335-65-01 Time limit for selection.

The ~~Office-office~~ of ~~Human-human Resources-resources~~ shall cancel the position vacancy notice if a college/department fails to select a qualified applicant within six months of the posting of the vacancy. The office of human resources may waive this provision at its discretion.

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

3335-65-02 Reinstatement after resignation.

A classified civil service employee who resigns, having served the required probationary period may, with the consent of the ~~Office-office~~ of ~~Human-human Resources-resources~~, be reinstated upon request of the college/department to the same ~~or similar position~~ classification in the college/department, at any time within ~~one year~~ twelve months from the date of resignation. This provision does not apply to employees who resign in lieu of termination or who have been notified that they are ineligible for rehire.

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

3335-65-03 Temporary employment.

- (A) Temporary employment in a classified title is 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 a leave;~~ and
- (5) Is not eligible to be certified.

(B) Neither accepting nor declining temporary employment shall affect the ability of an applicant to be considered for a regular appointment, nor shall acceptance confer the ability to remain in the position as a regular employee. be promoted, transferred, or reinstated.

(C) The period/Periods of temporary service shall not be credited as part of the probationary period when a subsequent appointment to a regular position is made in the same classification at the university.

~~(C)~~(D) Temporary appointments shall have a maximum duration of ~~179 days~~twelve months except when a longer duration is made necessary by reason of sickness or disability of a regular employee, or any other circumstance approved by the ~~Office~~office of ~~Human Resources~~resources.  
Temporary employees replacing sick or disabled regular employees may continue in that position for the length of sickness or disability and do not obtain rights to the regular appointment.

~~(D)~~(E) Successive temporary appointments to the same position shall not occur.

Prior Effective Dates: 6/14/82, 6/22/97, 1/2/98, 7/1/01

3335-65-04 Seasonal employment.

(A) Seasonal employment is a regular appointment ~~where~~when the service is for a specified period of time during a particular time of the year, and recurs in each successive calendar year. Persons appointed to seasonal positions who are temporarily separated from ~~the~~ service during the inactive season shall return to the same position each ensuing year unless the employee is disqualified for any reason or not assigned to work for a period of ~~one year~~twelve months due to lack of work or refusal of work by the employee.

(B) Reduction in force, Chapter 3335-81 of the Administrative Code, does not apply when a seasonal employee completes the active work season and begins the inactive season.

(C) Declining seasonal employment does not affect the ability of an applicant to be considered for other regular appointments.

(D) Once an applicant accepts a seasonal appointment:

- (1) The seasonal employee may apply as an internal candidate for positions within the university, provided the employee has completed the probationary period within that classification and is in active pay status.
- (2) The seasonal employee may apply as an external candidate for positions within the university while the seasonal employee is inactive.

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

3335-65-05 Intermittent employment.

- (A) Intermittent employment is an appointment where the employee works irregular hours or days on an as-needed basis. ~~A classified intermittent employee serves at the discretion of the appointing authority~~
- ~~(B)~~ An intermittent employee serves at the discretion of the appointing authority and is not eligible to be certified.
- ~~(B)~~(C) Neither accepting nor declining intermittent employment affects the ability of an applicant to be considered for a regular appointment, nor shall acceptance confer the ability to be promoted, transferred, or reinstated.

Prior Effective Dates: 6/22/97, 1/2/98, 7/1/01

3335-65-06 Emergency Appointments.

In case of an emergency, an appointment process may bypass Chapters 3335-49 to 3335-89 of the Administrative Code. Emergency appointments shall not exceed a maximum of ~~179 days~~twelve months, ~~serve at the discretion of the appointing authority, and are not eligible to be certified.~~

Prior Effective Dates: 6/22/97, 1/2/98, 7/1/01

3335-65-07 Reassignment of position and/or work location.

- (A) The university may temporarily or permanently reassign an employee ~~from within~~ the same ~~or similar~~ classification ~~within the same jurisdiction of the university~~. Reassignment cannot result in an assignment to a lower pay range.
- (B) The university may temporarily or permanently reassign an employee's work location, task, or shift to another within the same ~~or similar~~ classification ~~and jurisdiction of the university~~. No employee has any vested claim to performance of particular tasks within a particular job classification.
- (C) The university will provide reasonable notice of the reassignment prior to the effective date of the change, except ~~where when~~ an emergency renders advance notice impractical.

Prior Effective Dates: Prior Effective Dates: 6/14/82, 6/22/97, 1/2/98, 7/1/01

3335-67-01 Nature of the probationary period.

(A) Employees serve a probationary period following:

- (1) An original classified appointment;
- (2) A promotion to another classified appointment; or
- (3) A lateral change from one classification to another outside of the classification series.

~~(B)~~ Employees that serve at the discretion of the appointing authority (e.g. emergency, intermittent, temporary) do not serve a probationary period and are not eligible for certification.

~~(B)~~(C) Employees whose titles are changed through the reclassification process do not serve a new probationary period.

~~(C)~~(D) An employee shall be provided with coaching and feedback during the probationary period.

~~(D)~~(E) An employee shall be provided with a performance review prior to the end of the probationary period; ~~unless-~~ An employee who is terminated before the end of the probationary period of the original appointment is not required to receive a performance review.

~~(E)~~(F) 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)~~(G) 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~~ twelve months from the termination date unless an exception is granted at the discretion of the office of human resources.

(I) ~~Any~~ An employee terminated ~~for cause~~ from university employment ~~is~~ may be permanently ineligible for reemployment with the university. (B/T 6/14/82, 6/22/97, 7/1/2001, 2/5/2010)

## Chapter 67: Probationary Period:

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 of absence or layoff are not credited as part of the probationary period. (B/T 6/14/82, 6/22/97, 2/5/2010)~~

- ~~(A) The probationary period for full time and part time employees is one hundred eighty calendar days. Longer probationary periods, not to exceed twelve months, may be specified by the university.~~
- ~~(B) The probationary period is completed at midnight of the one hundred eightieth day. For longer probationary periods, probation is completed at midnight of the last day of the probationary period.~~
- ~~(C) Time spent on paid leaves that exceed two weeks, unpaid leave, or layoff are not credited as part of the probationary period.~~

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~~ An employee who is terminated before the end of the probationary period of the original appointment is not required to receive a performance review. 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. (B/T 6/22/97, 7/1/01, 2/5/2010)

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

- (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~~reapply 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. (B/T 6/14/82, 6/22/97, 7/1/01, 2/5/2010)
- (F) An employee terminated university employment may be ineligible for reemployment with the university.

## Chapter 81: Reduction in Work Force

3335-81-01 Reduction in work force.

Should a reduction in the work force become necessary due to lack of funds, lack of work, reasons of economy, or reorganization for efficiency; the office of human resources shall lay off employees and/or abolish positions. Reductions of an appointment to .75 FTE or greater will not be considered a reduction in force. The office of human resources shall determine in which classification or classifications layoffs shall occur and the number of employees to be laid off within each classification. Before abolishments are implemented, a statement of rationale and supporting documentation shall be reviewed, and approved, and on file with the office of human resources. (B/T 5/6/83, 6/22/97, 10/29/2009)

3335-81-02 Reasons of economy or lack of work.

- (A) The university shall determine:

- (1) Whether a current or projected deficiency in necessary funds exists to maintain current or to sustain projected levels of staffing and operations; or
- (2) Whether a lack of work exists or is projected **that results** in excessive current or projected staffing levels.

In the event that the university determines such a lack of funds or lack of work exists, the office of human resources shall be notified of such shortages, of the college/department in which such shortage exists or is projected, and of the amount of current or projected funds or work lacking.

- (B) Upon the approval of the office of human resources, employees may be laid off for reasons of economy or lack of work. Before such layoffs, a statement of rationale and supporting documentation shall be prepared and on file in the office of human resources. (B/T 5/6/83, 6/22/97, 1/2/98, 7/1/01)

3335-81-03 Abolishment of positions.

- (A) The office of human resources, in response to documentation from the appropriate college or unit, shall approve what positions will be abolished using the following criteria:

- (1) Positions will be selected based on the needs of the department; and
- (2) Employees will be selected first based on certification status, and then by a **combination review** of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment. Employees who are in an initial probationary period and not certified in any CCS title will be automatically laid off.
- (3) If a unit abolishes more than one position within the same classification, the employee shall have the opportunity to discuss the rationale for the reduction of the employee's position with the supervisor and the human resource representative.

- (B) In cases of reorganization the department shall develop a written plan as required by the office of human resources.

- (C) Employees may be laid off as a result of the abolishment of a position or positions, provided that the office of human resources shall, in such layoff, follow the procedures applicable to the layoff of employees as set forth in this chapter.  
(B/T 10/29/2009)

3335-81-04 Order of layoff.

The order of any layoff shall be determined first by certification status, then by a **combination review** of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment. (B/T 10/29/2009)

3335-81-05 Displacement procedures.

- (A) An employee ~~who was laid off or~~ whose position was abolished and elects to exercise displacement shall be placed in accordance with the process outlined in (B) into a vacancy or ~~displace the employee with the fewest retention points~~ provided in all instances that the employee meets the qualifications of that a position, can perform the required duties, and has met expectations in the last ~~three~~two annual performance reviews. Employees who have not met performance expectations in the last ~~three~~two annual performance reviews and who have been given specific steps for improvement, ~~or who are on major corrective action~~ or who cannot perform the required functions of the position into which they would be placed 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 a vacancy exists as described above, but the employee does not meet the minimum qualifications, has not met performance expectations, -or cannot perform the required functions of the vacancy, as determined by the office of human resources, theythe employee will be laid off. 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 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. The placement will be made only -if the employee meets the minimum qualifications, can perform the functions of the job and/or has a "meets expectations" in the two previous performance evaluations. vacancies are available and or- If the employee does not meet any of the above requirements, the employee will be laid off. If the employee is unable to displace due to having the fewest retention points in the classification from which they were laid off or cannot be placed or displace due to lack of qualifications, then the employee will be laid off.
- (C) If, after exercising displacement, an employee is subject to further layoff ~~action,~~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 or fill a vacancy if the~~ 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 and can perform the required duties.
- (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 and reinstatement 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 and reinstatement rights cease immediately.  
(B/T 10/29/2009, 9/17/2010)

3335-81-06 Retention points.

- (A) The university shall compute retention points for each employee in a classification that is the subject of a layoff or displacement.
- (B) Each employee shall be assigned retention points for length of continuous service by awarding one retention point for each five hundred twenty hours (excluding overtime hours) of continuous service.
- (C) In the event two or more employees have identical retention points as computed by this rule, the employee having the shortest period of continuous service shall be laid off or displaced first. If two or more employees have identical retention points and identical dates of continuous service from which no break in service has occurred, the office of human resources shall determine the order of layoff by using a reasonable basis for such determination to include skills and abilities applicable to the department's needs and documented performance.
- (D) "Continuous service" is that service unbroken by a resignation or termination from the university. Continuous service for the purposes of retention points includes:
  - (1) When an employee is reinstated after a resignation or termination to the same position within twelve months, full credit for continuous service will be given for the periods of actual employment.
  - (2) An authorized unpaid leave ~~of absence~~ does not constitute a break in service, and continuous service retention points shall continue to accumulate during the term of an unpaid leave ~~of absence~~ provided the employee returns to the university following the leave.

- (3) When a laid off employee is reinstated or ~~re-employed~~reemployed within ~~one year~~twelve months from the date of layoff~~;~~. In this circumstance the employee shall accrue continuous service retention points during the time spent on layoff and continuous service shall remain unbroken~~;~~ and
- (4) A disability separation. A disability separation does not constitute a break in service. However, continuous service retention points shall not accumulate during the period of separation.
- (E) Service as a student-employee, graduate associate or temporary employee shall not be credited as service for purposes of determining continuous service retention points. (B/T 5/6/83, 6/22/97, 7/1/01, 10/29/2009)

## 3335-81-07 Jurisdiction.

- (A) The order of layoff and displacement shall apply within layoff jurisdictions. Each of the layoff jurisdictions, as defined in this section, is autonomous, and layoff, displacement, reinstatement, and reemployment procedures shall apply only within the jurisdiction affected by the layoff.
- (B) Layoff jurisdictions at the Ohio state university are as follows:
- (1) Columbus campus; ~~excluding the medical center~~ – Each college and unit as defined by university human resources policy are separate jurisdictions;
  - (2) Columbus campus – medical center;
  - (3) Lima campus;
  - (4) OARDC and ATI;
  - (5) Marion campus;
  - (6) Mansfield campus;
  - (7) Newark campus;
  - (8) 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; and
  - (9) Units located outside of Ohio are each their own jurisdictions.
- (C) The layoff jurisdictions described in paragraph (B) of this rule do not apply to employees who are laid off for a temporary period of up to one hundred and ten consecutive days. (B/T 5/6/83, 6/22/97, 10/29/2009)

## 3335-81-08 Notice of layoff and displacement.

- (A) The university shall give advance written notice of layoff or displacement to each employee subject to such layoff or displacement. Such written notification shall be issued by the office of human resources and hand delivered to the employee by the employee's supervisor and the unit's human resource representative or human resource designee at work or mailed by certified mail to the last address on file with the college/department. If the notification is hand delivered, it shall be given at least fourteen calendar days before layoff and the day of hand delivery shall be the first day of the fourteen-day period. If the notification is mailed, it shall be mailed at least seventeen calendar days before layoff and the day of mailing shall be the first day of the seventeen-day period.
- (B) Each notice of layoff or displacement shall contain the following information:
- (1) The reason for layoff or displacement;
  - (2) The effective date of layoff or displacement as follows:
    - (a) If the employee chooses displacement and a vacancy exists, the effective date is within a reasonable period of time to allow for a move to the position, not to exceed thirty days;
    - (b) If the employee chooses displacement and no vacancy exists, the effective date of the displacement or layoff will not exceed ~~sixty~~ thirty days;
  - (3) The employee's retention points as computed pursuant to this chapter;
  - (4) The employee's option to appeal to the state personnel board of review and the time within which to file an appeal;
  - (5) A statement advising the employee of the displacement procedures and the length of time within which the employee may displace another employee;
  - (6) A statement advising the employee of the reinstatement procedures;
  - (7) Any additional information with respect to the limits of the applicable layoff jurisdiction of the employee as specified by rule 3335-81-07 of the Administrative Code and university human resources policy;
  - (8) A copy of the displacement and/or reinstatement procedures and/or office of human resources web site address with this information.
  - (9) In cases of multiple reductions in the same unit and in the same classification, a specific date the employee has the opportunity to discuss the rationale for the reduction of the employee's position with their supervisor and human resource representative. B/T 5/6/83, 6/22/97, 10/29/2009)

## 3335-81-09 Reinstatement.

- (A) Certified employees who are laid off from the university can exercise their reinstatement rights within their jurisdiction by written notification to the office of human resources if a position is

posted in the classification from which they were laid off. If more than one employee indicates reinstatement interest in a position, the employing unit shall consider skills and abilities applicable to the employing unit's needs and documented performance.

- (B) An employee may exercise reinstatement rights for twelve months beginning from the layoff effective date. During this twelve month period, jurisdictional units may not hire or promote into any classification for which a laid off employee has indicated an interest in reinstatement; this does not apply to reclassifications. Reinstatement is contingent upon successful ~~pre-employment~~preemployment screening.
- (C) A laid off employee must notify the office of human resources of their reinstatement interest before the posting end date.
- (D) An affected employee's reinstatement rights will cease immediately upon the earliest of:
  - (1) Securing another OSU position;
  - (2) Retiring from the university;
  - (3) Refusing a reinstatement position; ~~or~~
  - (4) At the end of twelve months following the layoff effective date; or
  - (5) After the date of service eligibility retirement.
- (E) In the event that the university offers a severance benefit, and the employee accepts the benefit, reinstatement rights will cease.
- (F) Unsuccessful completion of any ~~pre-employment~~preemployment screening for a specific reinstatement position will result in denial for the position. An additional reinstatement opportunity may be granted at the discretion of the office of human resources.
- (G) Employees who have completed their probationary periods at the time of layoff are not required to serve probationary periods when they are reinstated to the same classification.
- (H) Employees who are certified in a classification and are serving a probationary period in a new classification at the time of layoff must serve a new probationary period upon reinstatement. (B/T 10/29/2009)

3335-81-10 Appeal of layoff or displacement.

An employee may file a written appeal of layoff or displacement with the state personnel board of review. Such appeal must be filed or postmarked no later than ten days after the employee receives notice of the layoff or receives notice that another employee has exercised the displacement procedures for the aggrieved employee's position. (B/T 5/6/83, 6/22/97)

3335-81-11 Holiday, overtime and vacation payment.

Payment for earned but unused vacation, any holiday pay due, and any overtime and/or compensatory time will be issued in accordance with university policies. However, when a specific return to work date has been established and upon request from the employee, vacation and compensatory time due will not be paid unless required by law. In instances of job abolishment ~~where~~ when no return to work is anticipated, all vacation, holiday pay and overtime must be paid out at the time of the layoff. (B/T 5/6/83, 6/22/97, 10/29/2009)

3335-81-12 Layoff during leave.

- (A) Employees on ~~vacation or~~ any type of leave ~~of absence~~ may be laid off or displaced as any other employee and retain their ability to be reinstated.
- (B) An employee who is laid off during a leave ~~of absence~~ will have their reinstatement time limit postponed until the regular return date from the leave, not to exceed eighteen months from the original layoff effective date. (B/T 10/29/2009)

3335-81-13 Alternatives to layoff during a disaster.

If a disaster occurs as contemplated under ~~the Disaster Leave Policy~~ university human resources 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. (B/T 9/17/2010)

## **Chapter 83: Payroll and Compensation**

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. (B/T 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 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. (B/T 6/14/82, 6/22/97, 9/17/2010)

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. (B/T 6/14/82, 6/22/97, 9/17/2010)

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. (B/T 6/14/82, 6/22/97)

3335-83-07 Holiday compensation.

- (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 human resource 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. (B/T 6/14/82, 6/22/97, 7/1/01, 9/17/2010)

## **Chapter 49: Rules Changes and Opting out of the Ohio Code**

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

- (A) Pursuant to Section 124.14 of the Revised Code, ~~job classification—pay ranges, the university follows these procedures for the adoption, amendment, or rescission of rules affecting persons in the classified civil service.~~
- (B) 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.
- (C) The proposed new, amended or rescinded rules shall be presented to the Ohio state university board of trustees for approval.
- (D) 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.
- (E) 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, 9/17/2010)

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, 2/5/2010)

Section 124.388 administrative leave

3335-49-04 The Ohio state university opts out of the following provision 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)(B)~~ Section 123:1-7-04 of the Administrative Code, specificationsclassification

~~(C)~~ Section 123:1-9 of the Administrative Code, examinations

(D) Chapter 123: 1-10 of the Administrative Code, automatic certification

~~(F)~~ Chapter 123:1-11 of the Administrative Code, Applications for examination

~~(G)~~ Chapter 123:1-15 of the Administrative Code, Eligibility lists

~~(H)~~ Chapter 123:1-17 of the Administrative Code, Vacancies and appointments

~~(I)~~ Chapter 123:1-19 of the Administrative Code, Probation

~~(J)~~ Chapter 123:1-21 of the Administrative Code, Exceptional appointments

~~(K)~~ Chapter 123:1-23 of the Administrative Code, Promotions

~~(E)(L)~~ Chapter 123: 1-25 of the Administrative Code, transfers, reinstatements, and seasonal promotions

~~(F)(M)~~ Chapter 123: 1-27 of the Administrative Code, suggestion award system

~~(G)(N)~~ Chapter 123: 1-28 of the Administrative Code, combined charitable campaign

~~(O)~~ Chapter 123: 1-29 of the Administrative Code, performance evaluation system

~~(P)~~ Chapter 123:1-30 of the Administrative Code, disability separations - reinstatement

~~(Q)~~ Chapter 123:1-31 of the Administrative Code, removals, reductions, or suspensions

~~(R)~~ Chapter 123:1-32 of the Administrative Code, sick and personal leave

~~(S)~~ Chapter 123:1-34-03, 04, and 05 of the Administrative Code, leave

~~(H)(T)~~ Chapter 123: 1-35 of the Administrative Code, payroll

~~(U)~~ Chapter 123: 1-37 of the Administrative Code, pay supplements

~~(V)~~ Chapter 123:1-41 of the Administrative Code, layoffs

~~(W)~~ Chapter 123: 1-43 of the Administrative Code, overtime and compensatory time

~~(X)~~ Chapter 123: 1-44 of the Administrative Code, holidays

~~(Y)~~ Chapter 123: 1-47 of the Administrative Code, definitions

(B/T 9/17/2010)

## Chapter 89: Definitions

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~~twelve months.
- (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-when~~ the work schedule is normally forty hours per week.
- (O) “Intermittent employment” - an appointment which serves at the discretion of the appointing authority, is not eligible for certification, and ~~where-when~~ 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 ~~each college and unit as defined by university human resources policy~~, 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~~Unpaid leave” – 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-when 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-when 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.
  - (5) Is not eligible for certification.
- (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)