

Chapter 49: Procedure for adoption, amendment or rescission of rules affecting persons in the classified civil service at the Ohio state university and opting out of provisions of the Ohio Revised 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) 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- (B) The proposed new, amended or rescinded rules shall be presented to the Ohio state university board of trustees for approval.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.

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

3335-49-02 To the degree that new rules have been adopted, they supersede any statute covering the subject matter in accordance with HB 187.

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 124.271 of the Revised Code, provisional employees.
- (F) Section 124.31 of the Revised Code, promotions.
- (G) Section 124.33 of the Revised Code, transfers – appeal – reimbursement of expenses.

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. 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, a statement of rationale and supporting documentation shall be prepared, reviewed, and approved, and on file with the office of human resources.

Prior Effective Date: 5/6/83, 6/22/97

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.

Prior Effective Dates: 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 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.

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

3335-81-04 Order of layoff.

The order of any layoff shall be determined first by certification status, then by a combination of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment.

Prior Effective Dates: 5/6/83, 6/22/97, 1/2/98, 7/1/01

3335-81-05 Displacement procedures.

- (A) An employee who was laid-off or whose position was abolished shall fill 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. Displacements will occur as follows:

- (1) Within the employee's classification.
- (2) Within the next lower classification and each successively lower classification in the employee's classification series.
- (3) Within a classification that has the same or similar duties as the classification from which the employee was laid off.
- (4) 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 can perform the minimum required functions of the position at the time of placement.
- (5) If no vacancies are available or the employee is unable to displace due to having the fewest retention points in the classification series or lack of qualifications, then the employee will be laid off.

- (B) 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.

- (C) Employees who elect to exercise displacement shall displace only those employees with fewer retention points. If an employee exercises displacement rights, the office of human resources shall first determine if a vacancy exists. If a vacancy exists and the employee meets the qualifications of the position, can perform the required duties, and has met expectations in the

last three annual performance reviews, the employee will be placed in the vacancy. If no vacancy exists, displacement will occur in accordance with 3335-81-05 of the Administrative Code.

- (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 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.

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

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 leave of absence does not constitute a break in service, and continuous service retention points shall continue to accumulate during the term of a leave of absence provided the employee returns to the university following the leave;
 - (3) When a laid off employee is reinstated or re-employed within one year from the date of layoff, 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 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.

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

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;
 - (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 ten consecutive days.

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 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;
- (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.

Prior Effective Date: 5/6/83, 6/22/97

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 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 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.
- (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 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.

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

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.

Prior Effective Date: 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 no return to work is anticipated, all vacation, holiday pay and overtime must be paid out at the time of the layoff.

Prior Effective Date: 5/6/83, 6/22/97

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.

Prior Effective Date: 5/6/83, 6/22/97

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) "Broadbanding" - one of the university's classification and compensation systems characterized by broader classifications, pay ranges, simplified classification administration, and market based compensation administration.
- (F) "Certified status" - a classified civil service status obtained for a specific classification upon satisfactory completion of the applicable probationary period or, when there is no probationary period, upon completion of 180 days in the specific classification with satisfactory performance.
- (G) "Classification" - common name for a group of positions sufficiently related with respect to duties, responsibilities, authority and qualifications so that the same descriptive classification title and same pay range may be used for each.
- (H) "Classification plan" - a system of classifications or series of jobs, with a specification and pay range assignment for each classification.
- (I) "Classified civil service" – all positions with a title under the Ohio state university's classified civil service title group, found on the office of human resources web site. Any position not included in this group is not classified civil service.
- (J) "Day" - unless otherwise specified, "day" means one calendar day.
- (K) "Demotion" - placement of an employee in a classification that has a lower pay range than that previously held.
- (L) "Displace" or "displacement" - the exercise of the procedures outlined in Chapter 3335-81 of the Administrative Code that results in the substitution of one employee by another employee with higher retention points who can perform the required duties, have met expectations in the last three annual performance reviews, and are not on major corrective action.
- (M) "Emergency appointment" - an appointment to a position to meet an emergency situation, an exception from civil service rules, not to exceed a maximum of 179 days.
- (N) "For cause" – a type of termination from employment for one or more of the following reasons: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony.

- (O) "Full-time employment" - employment where the work schedule is normally forty hours per week.
- (P) "Intermittent employment" - an appointment which serves at the discretion of the appointing authority and where the employee works irregular hours or days on an as-needed basis.
- (Q) "Jurisdiction" - the limited location in which procedures for layoff, displacement, and reinstatement may be exercised. The Columbus campus, excluding the medical system; 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 jurisdictions.
- (R) "Lack of funds" - a current or projected deficiency of funding to maintain current, or to sustain projected, levels of staffing and operations. A lack of funds shall be presumed for a position assigned to an employee who works under a grant if it is reduced or withdrawn.
- (S) "Lack of work" - a current or projected decrease in workload that requires a reduction of current or projected staffing levels in the organization or its structure.
- (T) "Leave of absence" - temporary separation from active pay status with the employee generally retaining employment status and seniority.
- (U) "Licensed practitioner" - a physician, psychiatrist, or psychologist who is licensed to perform medical or psychological examinations.
- (V) "Major corrective action" - any corrective action at the third level or above or in accordance with collective bargaining agreements.
- (W) "Medical center" - includes the James cancer hospital and solove research institute, office of health sciences and college of medicine, OSU harding hospital, OSU primary care network, OSU rehabilitation services at dodd hall, ross heart hospital, shared services, specialty care network, university hospital east, and university hospital.
- (X) "Original appointment" - an individual's first classified civil service appointment with the university.
- (Y) "Parenthetical sub-title" - a group of positions logically falling within a single classification, but distinguished from other positions within that classification by the performance of specific functions or duties requiring specialized skill, knowledge or training.
- (Z) "Part-time employment" - employment where the work schedule is normally less than forty hours per week.
- (AA) "Pay range" - a division of a pay plan to which classifications are assigned.
- (BB) "Position" - a specific job requiring the performance of certain duties and responsibilities by an employee.
- (CC) "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.
- (DD) "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.

- (EE) "Promotion" - placement of an employee in a vacant position in a classification that has a higher pay range than that previously held.
- (FF) "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.
- (GG) "Reclassification" - the act of changing the classification of an existing occupied position.
- (HH) "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.
- (II) "Regular employment" - employment which customarily requires the services of an employee on a regularly scheduled and continuing basis.
- JJ) "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.
- (KK) "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.
- (LL) "Seasonal employment" - regular employment where the service reoccurs for a specified period of time during a particular time of the year.
- (MM) "Specification" - a composite of the duties and requirements of a classification.
- (NN) "Suspension" - the interruption of an individual's employment and compensation for a fixed period of time for reasons of discipline.
- (OO) "Target hiring range" - is established prior to posting a position based upon budgeted funds for the position, identified skills and/or experience, salaries paid within the college or vice president unit for similar positions, organizational scope and an assessment of the relevant competitive market. The target hiring range should normally have a spread of \$3,000 to \$8,000; the range may vary based on the circumstances at the time of posting.
- (PP) "Temporary employment" - an appointment that serves at the discretion of the appointing authority and:
 - (1) Is for a limited duration;
 - (2) Is for a specific project;
 - (3) Augments regular staff due to increased work loads or staff shortages; or
 - (4) Replaces a regular employee during an absence due to illness, leave of absence or vacation.
- (QQ) "Termination" - the involuntary ending of an employee's employment with the university.
- (RR) "Transfer" - a voluntary move of employment as a result of an application for a different position.
- (SS) "Working suspension" - a suspension where the individual's employment and compensation are not interrupted, but for the purposes of progressive corrective action, is equal in weight to a regular suspension.

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