

**Chapter 75: Performance management; removals, suspensions or demotions**

3335-75-01 Performance management and review.

Performance management is an ongoing process where the supervisor and employee discuss the performance expectations of the position and how the employee is fulfilling those expectations. Classified civil service employees should have their performance reviewed once during the probationary period and annually thereafter. This performance review is a tool of performance management for the purposes of evaluating appropriate job duties, training, and corrective measures.

3335-75-02 General procedure for terminations, suspensions, or demotions.

- (A) The termination, suspension, or demotion of a classified civil service employee, except as otherwise provided in these rules, shall be made for, but not limited to the following reasons: incompetence, inefficiency, dishonesty, drunkenness, 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.
- (B) The university may impose working suspensions with pay as part of a corrective action plan. For the purpose of progressive action, working suspensions are equivalent to suspensions, which require the interruption of an employee's service and compensation for a fixed period of time.
- (C) The university may impose a fine of not more than five days pay as part of a corrective action plan.
- (D) The employee shall be notified in writing of the reasons for the action and the effective date of the action. This notification shall advise the employee of the right to appeal, if applicable. Any such appeal shall be made in accordance with the rules of the state personnel board of review.
- (E) The following conditions apply to any employee who is convicted of a felony:
  - (1) Conviction of a felony is a separate basis for reducing in pay or position, suspending, or terminating an employee, even if the employee has already been reduced in pay or position, suspended, or terminated for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board

of Review any disciplinary action taken by an appointing authority as a result of the employee's conviction of a felony.

- (2) A person convicted of a felony immediately forfeits the person's status as a classified employee at the university on and after the date of conviction for the felony. The university, upon the person's request, may investigate the circumstances of the felony and may, at its discretion, allow the person to apply or re-apply for university employment.
- (3) Any person terminated for a conviction of a felony is entitled to a cash payment for any accrued but unused vacation leave.