

### **Chapter 75: Performance Management: Removals, Suspensions or Demotions**

#### **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. 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, 4/8/2011)

#### **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, 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 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.
- (F) An employee terminated from university employment may be ineligible for reemployment with the university. (B/T 6/14/82, 6/22/97, 7/1/01, 2/5/2010, 4/8/2011)