



## Ohio Administrative Code

### Rule 3362-4-24 Administrative employees - employment status and other employment actions.

Effective: October 3, 2024

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#### (A) Purpose and scope

The purpose of this rule is to establish provisions that address various employment matters for administrative employees, as identified in paragraph (B) of this policy, including but not limited to: probationary periods, performance evaluations, performance improvement plans, discipline, and reduction in force.

#### (B) Included

(1) The term "administrative employee" refers to an administrator as defined in this paragraph and administrative technical support staff (ATSS).

(2) Administrators (full and part time) include employees assigned professional, managerial, and/or supervisory responsibilities as described in an approved job description. Administrators are generally paid on a salaried basis, with assigned duties that may be exempt from the Fair Labor Standards Act (FLSA) overtime payment rules, and are not "public employees" as defined by Chapter 4117. of the Revised Code.

(3) Administrative technical support staff (ATSS) (full or part time) include employees typically paid on a per-hour basis (but can be paid on a salaried basis), assigned confidential duties, subject to FLSA overtime rules, and who are not "public employees" as defined by Chapter 4117. of the Revised Code.

(4) Temporary or intermittent administrative employees employed at will are subject to all provisions of this policy except that such employees may be terminated without a prior performance improvement plan (PIP).

#### (C) Exclusions



This policy does not apply to executive administrators who are subject to executive employment agreements, to the extent that such agreements are inconsistent with this rule. Executive administrators who do not have executive employment agreements shall be subject to this rule to the extent that the provisions herein are not inconsistent with their executive appointment letter; specific provisions in executive appointment letters shall govern over terms contained in this rule. To the extent that executive employment agreements or appointment letters are silent as the matters contained in this rule, the terms of this rule shall apply.

(D) Employment contract status and probationary periods

(1) Employment for eligible administrative employees includes the status of:

(a) Defined contract period appointments that have a defined duration and end date with specific terms and conditions of employment incorporated into an agreement/contract, or

(b) Continuous contract appointments which do not specify an end date as employment is expected to be continuous.

(2) Both appointment types require the successful completion of a probationary period, satisfactory performance on an ongoing basis, and are subject to university policies and procedures.

(3) Administrative employees in positions funded by university funds (general operating, auxiliary, etc.) and that are not employed for a defined contract period, are eligible for continuous contract status upon successful completion of a six-month probationary period.

(4) Administrative employees in temporary or intermittent positions, or positions funded by grants and/or soft or external sources will be hired for a defined contract period and are not eligible for continuous contract status. Such employees must successfully complete a six-month probationary period.

(E) Performance evaluations (probationary and annual)



- (1) New-hire probationary evaluation - successful completion of the six-month new-hire probationary period with a minimum overall
  - (2) Rating of "meets basic expectations," is required for continued employment.
  - (3) Annual performance evaluation - upon completion of the new-hire probationary evaluation, performance evaluations are completed at least annually or on a periodic basis as determined by the supervisor.
  - (4) Performance improvement plan (PIP) - a written performance improvement plan (PIP) may be initiated by the supervisor at any time in which the employee is not demonstrating satisfactory performance based on the assigned responsibilities and/or established objectives.
  - (5) An employee whose performance rating states that he or she "does not meet basic expectations" in his/her essential job competencies and/or performance will be subject to procedure 4.51:1.
- (F) Administrative leave
- (1) Should an investigation or assessment of an alleged incident of misconduct involving an administrative employee be required and/or in any instance in which the health or safety of an employee or any person or property entrusted to the employee's care could be adversely affected, an administrative leave with pay may be implemented upon the recommendation of the director of human resources and the approval of the appropriate vice president and/or the president. The administrative employee will receive appropriate notice in such case.
  - (2) Access to university facilities and resources may be restricted or denied to an employee placed on an administrative leave unless otherwise authorized by the director of human resources.
  - (3) The university may place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the university shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid



administrative leave.

(G) Pre-disciplinary hearing

(1) If a demotion, suspension, or termination may be imposed based on the findings of an investigation or employee's unsatisfactory completion of a PIP, an informal pre-disciplinary hearing will be scheduled prior to any imposition of such actions. Written notice will be provided to the administrative employee prior to the hearing date. At the pre-disciplinary hearing, the employee will be provided with a summary of the evidence against him or her and given an opportunity to respond to it in person at the hearing or in writing within forty-eight hours of the hearing.

(2) A decision to impose a demotion, suspension, or termination will be communicated in writing to the administrative employee as soon as reasonably possible but no more than fifteen calendar days after the conclusion of a pre-disciplinary hearing.

(H) Corrective actions

(1) Corrective action that results from the findings of an investigation will be reasonable and commensurate with the offense, and may include, but not be limited to, a letter to the personnel file, unpaid suspension, demotion, and/or termination of employment. Except in unusual circumstances, the unsatisfactory completion of a PIP will result in termination.

(2) With the authorization of the president or designee, an administrative employee may be disciplined for reasons that include but are not limited to:

(a) Incompetence, inefficiency, dishonesty, use or being under the influence of alcohol or illegal drugs at work or inappropriate use of prescription drugs, discourteous treatment of the public, neglect of duty, failure to return from a leave of absence, or other failure of good behavior.

(b) Violation of an official regulation or failure to obey reasonable directions given by a supervisor when such violation or failure to obey amounts to insubordination or a serious breach of university policies and/or work rules or puts the university and/or its employees and students at serious risk.



(c) Misfeasance in office, malfeasance in office, nonfeasance in office, conviction of a felony or of an offense involving moral turpitude.

(d) Demonstration of abusive or threatening behavior in the treatment of students, fellow employees, or other persons.

(I) Reduction in force

(1) In case of a reduction in force, notification to affected administrative employees will be as follows:

(a) Those with up to three years of service will receive thirty days written notice.

(b) Those with service of three years or more will receive ninety days written notice.

(2) Administrative employees with defined-period contracts or in positions funded by "soft" grant funds or external sources will continue employment for the defined contract period or until funding is discontinued, provided they are not subject to discipline as detailed in this policy.

(3) Unsatisfactory performance issues will be managed separately from the reduction in force process.

(4) Attempts will be made to reassign affected employees to other open positions for which they are qualified.

(5) If an administrative employee is terminated due to a reduction in force, the employee will be eligible for reappointment to the last held position should it become available within a period of two years from the date of the force reduction.

(6) The decision to fill a position that has been eliminated through a reduction in force is at the sole discretion of the university.

(7) If reappointed to the last held position following a reduction in force action, an administrative



employee will be reinstated at his/her prior employment status as governed by existing university policies.

(J) Procedures

Procedures necessary to implement the provisions of this policy will be adopted following the university's process.