

3349-7-152 Termination and notice of termination.**(A) Purpose**

To establish a rule for notice of termination of administrative staff and unclassified hourly employees.

(B) Scope

This rule applies to all administrative staff and unclassified hourly employees.

(C) Definitions

(1) Consult rule 3347-7-01 of the Administrative Code.

(2) "Appointing Authority" is the appointing authority for the administrative staff is the employee's division director; the appointing authority for unclassified hourly personnel is the director of human resources.

(3) "Immediate Supervisor" is the person who directs or oversees the work of another.

(4) "Notice" is formal notification of termination of employment at the university.

(5) "Service Date" is the first day of the employee's service at the university.

(D) Rule statement

(1) All administrative staff and unclassified hourly employee appointments must be approved by or ratified by the board of trustees in order to be effective. The service date may be different than the approval or ratification date. All administrative staff and unclassified hourly employees are "at will" employees of the university.

- (2) Administrative staff and unclassified hourly appointments are ordinarily made with the expectation that they will continue during good behavior and efficient service until notice is given by either the employee or the university except as described in (D)(3) of this rule.
- (3) Administrative staff and unclassified hourly appointments for specific periods may be issued with the approval of the appointing authority. All employees who are fully funded on grants are appointed for a specified term. An appointment for a specified term will terminate on the last day of the term. No notice is required to terminate the appointment.
- (4) Termination may be initiated by the employee through resignation or retirement with reasonable notice. Reasonable notice by the employee is considered thirty calendar days unless an earlier date is negotiated with the immediate supervisor.
- (5) In the case of the termination of employment of an employee holding faculty rank in an academic department, the employee's faculty rights and privileges are preserved, unless proceedings to terminate the faculty appointment are undertaken in accordance with the faculty bylaws. Salary and benefits will be reviewed on a case by case basis.
- (6) Notice of termination for terminations without cause

 - (a) If the university intends to terminate the employment of an employee, without cause, the appointing authority will issue notice in accordance with the schedule below. The schedule herein, including weekends and holidays, establishes the last date of the employee's employment. The appointing authority may exercise discretion when determining the last day at the work site.

<u>Completed years of continuous service</u>	<u>Calendar days of notice</u>
<u>1 – 4.99 years</u>	<u>30 days</u>
<u>5 – 9.99 years</u>	<u>60 days</u>
<u>10 – 19.99 years</u>	<u>90 days</u>
<u>20 years</u>	<u>120 days</u>

(b) The immediate supervisor and the director of human resources will meet with the employee and provide the employee with a copy of the notice. If the employee is unable or unwilling to attend the meeting, notice may be sent to the employee's last known address via U.S. mail.

(c) Pay and benefits

(i) The date used for the calculation of notice under this rule is the employee's service date.

(ii) Current salary, group health insurance and other fringe benefits continue during the notice period subject to all usual deductions including applicable taxes and employee contribution for benefits.

(iii) Salary and benefits will be paid in accordance with this rule until the last day of employment, even if the appointing authority exercises its discretion and sets the last day at the work site at a time prior to the last day of employment.

(7) Suspension and termination for cause

- (a) An employee who has not received a notice may continue employment during good behavior and efficient service, but may be removed without notice or be reduced in position, suspended, or removed for incompetency, inefficiency, dishonesty, drunkenness, possession or use of illegal drugs, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any acts of misfeasance, malfeasance, or nonfeasance.
- (b) In the event of conduct outlined above in (D)(7)(a) of this rule, the immediate supervisor after consultation with the director of human resources, may provide notice to the employee of the proposed termination. The employee will be provided an opportunity for a meeting with the employee's respective appointing authority, immediate supervisor and the director of human resources. If after this meeting the appointing authority determines that it is appropriate to terminate the employee for cause, the appointing authority may provide notice and the university will not be obligated to pay salary and benefits to the employee after the issuance of notice.

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CERTIFIED ELECTRONICALLY

Certification

02/04/2019

Date

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