



## Ohio Administrative Code

### Rule 3344-63-02 Employment at Cleveland state university.

Effective: April 5, 2018

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#### (A) Selection procedures

(1) Classified positions at the university are filled through a competitive process. The process may include a written examination, test of skills, or an interview in the department of human resources or the hiring department. The process is designed to measure the knowledge, fitness, skills, abilities and worker characteristics necessary for successful performance on the job.

(2) The procedures at CSU have been established to provide equal employment opportunity. Because each applicant must be ranked according to the same basis of comparison, it is essential that each applicant undergo all of the processes currently required for a particular position.

#### (B) Job change or promotion

(1) Employees who seek advancement are encouraged to do so through available the competitive selection process at the university. In order to be considered for a vacant position, employees must apply for posted vacancies in the online position management and recruitment system.

(2) When a position becomes available, human resources recruitment will post the notice of position vacancy. A current CSU employee can apply for listed positions during the application period. Employees who apply for the vacancy, meet the minimum education, training, and experience requirements, and pass all criteria within the recruitment process, will be considered for the vacancy. Employees must have a current, satisfactory performance evaluation on file in human resources, indicating that the employee's overall performance meets standards.

(3) A current employee may be allowed necessary time off the job for interviews at CSU, without loss of pay, when an interview is scheduled during the workday (up to two interviews during any one calendar year). Employees may use vacation or compensatory time if needed for additional interviews at CSU. The employee's supervisor must approve the release time.



(4) If an employee is selected for a new position, it is the employee's responsibility to notify his or her current supervisor. The department of human resources will coordinate the date of transfer.

(5) Promotion compensation. A promotion constitutes advancement to a job with greater duties and responsibilities in a higher pay grade. An employee who is promoted shall receive an increase of five per cent in base pay, but not less than the minimum of the new pay range, whichever is greater.

(C) Lateral transfer.

A lateral transfer is movement of an employee from one classified position to another in the same pay grade through position audit or the competitive selection process. An employee who transfers from one position to another in the same pay grade shall suffer no loss in pay due to the transfer.

(D) Demotion.

A demotion is the movement of an employee from a position in one classification to a position in a classification with a lower pay range through position audit or the competitive selection process. When an employee is demoted, the employee will receive a five per cent decrease in pay rate. If the top of the new pay range is less than the five per cent decrease, the maximum pay rate of the new pay range will be applied.

(E) Probationary period.

(1) When an external applicant is hired, or when a non-bargaining unit employee successfully competes for a promotion, a probationary period of one hundred and eighty days must be completed before such appointment is considered final. In most cases the probationary period is computed in calendar days beginning on the date of hire. Intermittent employees (those who are not assigned a regular, fixed schedule) serve a probationary period, which is computed on an "hours worked" basis.

(2) The probationary period provides employees with the opportunity to learn the duties of the new position and to demonstrate that the duties and responsibilities of the position can be undertaken satisfactorily. The employee's job performance is evaluated twice prior to completion of the



probationary period. However, if a new employee receives an unsatisfactory performance rating, the department may request a probationary separation prior to the completion of the probationary period. If within thirty days of starting in the new position, an employee who has been promoted is unable to fulfill the responsibilities of the new classification, a demotion to the former position or similar classification may be allowed, at management's sole discretion.

(3) Probationary evaluations must be conducted at the midpoint of the probationary period and one month prior to the end. An employee who receives a probationary separation is not eligible for consideration for rehire for one year unless deemed eligible by the department of human resources.

(F) Position duties and classification.

(1) The duties of a classified position are determined and assigned by the supervisor or department head. A summary of these duties and the recommended classification are contained in the most recent audit report prepared by the department of human resources. However, over a period of time, these duties may change.

(2) Changes in the regular job duties of a position sometimes result in a change in the recommended classification of the position. On other occasions the changes involve duties which fall within the scope of the current classification.

(3) Few positions require the entire variety of job duties appropriate to their classifications. Likewise, many positions require some duties which are also contained in other classifications. On occasion, temporary job duties will be assigned for such reasons as a shortage of staff, a reduction of regular duties, or a temporary increase in workload. Such changes do not affect the classification of a position. A classification is not reduced when temporary duties appropriate to a lower classification are assigned. Similarly, a classification is not increased when temporary duties appropriate to a higher classification are assigned.

(4) An employee who is temporarily assigned to all the duties of a position with a higher pay range than their own is eligible for a temporary pay adjustment. Entitlement to the temporary pay adjustment depends upon the amount of continuous time the employee performs the temporary duties. The employee will receive a five per cent adjustment above the current base pay rate, or an



adjustment to the minimum rate of the pay range of the temporary position, whichever is greater. An employee temporarily assuming a professional staff classification will receive a five per cent adjustment above their current base rate of pay, or an adjustment to the minimum rate of the professional staff position wage scale, whichever is greater.

(G) Performance evaluation.

(1) Performance evaluations are a part of employees' permanent record. Performance evaluations are completed twice during employees' probationary period and annually thereafter.

(2) An evaluation contains an assessment of an employee's performance in specific areas of responsibility and conduct, and includes a portion for employee self-evaluation. The supervisor completes their evaluation of the employee's performance. Their comments are reviewed by the next level supervisor. The employee and supervisor then meet to discuss the evaluation.

(3) The evaluation serves the following purposes:

(a) It serves as a means of communication between employee and supervisor to establish annual goals, clarify standards of expected job performance, and the employee's continued development;

(b) It gives the supervisor and the employee an opportunity to discuss specific performance accomplishment problems and to set goals for improvement;

(c) It serves as the basis for merit increase eligibility.

(d) It forms a basis for a determination of promotion eligibility for an employee who wishes to participate in the university's internal promotion procedure. An overall rating of "2" or below makes an employee ineligible to be considered for other positions.

(H) Position audit.

(1) A position audit, also called a reclassification review, is a review of a classified employee's regularly assigned duties and responsibilities to determine whether the position is properly classified.



To be eligible for a reclassification review, changes in duties must be significant, and they must be continuous or recurring. An employee must perform the new duties for a period of four months to be eligible for the reclassification review. An audit is not conducted for assignments of a temporary nature. A request for an audit of a position may be made not more than once in a twelve month period or by employees in probationary status.

(2) This review may be requested by the employee, or the employee's supervisor, by submitting a completed position audit/reclassification request form.

(3) A human resources staff member will conduct a job audit interview and prepare a draft job description for review by the employee and supervisor. Once all parties agree to the job description, human resources will evaluate the position. The job classification which most accurately describes the duties performed shall be assigned to the position.

(4) Potential outcomes of the reclassification process are: promotion to a higher grade, with a promotional increase; a lateral change (new title but no change in grade or pay); denial of request; or demotion. Any changes resulting from a reclassification request is effective the first pay of the period following the date of submission.

(5) The decision rendered on position audits for non-bargaining unit positions may be appealed to the state personnel board of review. Bargaining unit position decisions may be appealed through the grievance procedure.

(I) Pay rate adjustments.

Changes in the rate of pay for employees who are members of bargaining units are set through the collective bargaining process. The university's board of trustees authorizes compensation rates for employees who not members of a bargaining unit. Any pay rate adjustment shall only be given to individuals who are employed at the time the adjustment is made.

(1) Wage increases. The total salary pool for wage increases is distributed as a combination of across the board and merit increases. Merit increases are given at the sole discretion of the university and directly tied to the performance evaluation process. Employees must have completed at least six



months of employment to be eligible for a merit increase, and the performance evaluation must have an overall rating of "Exceptional Performance" or "Excellent Performance" for an employee to receive a merit increase.

(2) Market adjustments. In order to maintain market competitiveness, or to aid in the recruitment or retention of employees, it may be necessary for the university to adjust pay rates. Such adjustments will be based on survey data or other facts documenting retention issues or the inability to recruit a qualified pool of applicants at current pay rates.

(3) Equity adjustments. An equity adjustment is a special salary action to correct an inequity that cannot be corrected within normal wage administration guidelines. This adjustment is used to react to sudden changes in the competitive market where the hiring rate of a new candidate may cause an internal inequity. An equity adjustment may be applied to an individual employee or a specific classification affected by the inequity.

(J) Resignation/retirement.

An employee planning to resign or retire shall provide a written notice of intent to the employee's immediate supervisor at least thirty days before the end of service. Fewer than thirty days' notice may be given with approval from her/his supervisor and human resources.

(K) Lay off and recall.

(1) The provisions concerning layoff and recall for bargaining unit represented employees are specified in the applicable collective bargaining agreements.

(2) For non-bargaining represented employees, procedures shall conform to the provisions set forth in the Revised Code.

(3) A layoff can occur for reasons such as lack of work, lack of funds, reorganization, efficiency of operation, or any other legitimate reason as determined by the university.

(4) Probationary employees shall be laid off first, followed by part-time employees, and then full-



time regular employees.

The order of lay-off is based on retention points (length of service within classification). An employee to be laid off may choose instead to displace (bump) an employee with fewer retention points in the same or a lower classification of the same series. Employees who have been laid off retain reinstatement rights for a period of one year from separation date.

(L) Progressive corrective action and discipline.

(1) Each university staff member is responsible for constructive self-awareness and self-discipline. These traits contribute to a cooperative working atmosphere in which employees can and do perform their duties efficiently.

(2) When an employee's performance or behavior requires correction, progressive action should be taken. Progressive corrective action may include verbal and written warnings, suspension, or termination of employment. Nothing limits the right of the university to bypass progressive corrective action and suspend or terminate an employee for any offense that, in the university's sole discretion, is of such a nature that use of progressive corrective action is not appropriate or warranted.

(3) Dismissal for cause: Employees may be dismissed for cause. The following list includes, but is not intended to be an all-inclusive list, of examples of cause that justify accelerated disciplinary action. Cause shall include, but is not limited to the following examples:

(a) Unsatisfactory performance or neglect of assigned duties and responsibilities;

(b) Violation of recognized standards of professional conduct or performance;

(c) Personal conduct that impedes the individual's proper fulfillment of assigned duties and responsibilities;

(d) Personal conduct that violates state or federal law including, but not limited to:



- (i) The use of illegal substances or abuse of prescribed medications.
- (ii) Possession of illegal substances, the illegal possession of drugs and medication for the purpose of the sale of those substances or drugs.
- (iii) Sexual, ethnic, racial, or religious harassment, or any other harassment prohibited by law or university policy.
- (e) Personal conduct that interferes with the operations of the university;
- (f) Conviction of a crime as defined in section 2901.01 of the Revised Code, or a substantially equivalent offense under a municipal ordinance, which is committed on or affects persons or property of the university.
- (g) Conviction of an infraction or crime which affects persons or property on the university campus, or any other infraction or crime that adversely affects performance of job duties and responsibilities.
- (h) Concealing, falsifying, altering or removing university records, including electronic data records.
- (i) Viewing, recording, copying, or otherwise using university records for which the individual does not have a business purpose to do so.
- (j) Producing fraudulent or falsified credentials.
- (4) Employees subject to potential disciplinary action at the suspension and termination levels will be offered an opportunity for a pre-disciplinary review hearing, to be conducted by the senior vice president for business affairs and finance, or designee. Suspensions and terminations must be authorized by the senior vice president for business affairs and finance, or designee.
- (M) Appeal of disciplinary actions.

Bargaining unit employees may appeal an action through the grievance procedure, as specified in the applicable collective bargaining agreement. Non-bargaining unit employees may appeal certain





disciplinary actions, in accordance with the procedures set forth by the state of Ohio state personnel board of review.

(N) Complaints.

(1) The university seeks to respond promptly to employee complaints in the interest of sound employee relations. Any employee who has a complaint on the job should first discuss the matter with the immediate supervisor. If the problem is not resolved, the employee may consult with the department of human resources, or may proceed under the appropriate complaint resolution procedure.

(2) Any claims of unlawful discrimination or harassment under federal and state civil rights laws, regulations, executive orders or university policy shall not be processed through this complaint resolution procedure. Such claims will follow the procedures of the office for institutional equity.

(3) Complaint resolution procedures. A complaint processed through this resolution procedure is defined as a dispute or disagreement concerning the alleged misapplication, misinterpretation, or failure to comply with provision(s) of this policy document.

(4) Complaint resolution steps and process. The complaint resolution process is an internal fact finding procedure. As a result, parties may not have legal representation present at any step in the complaint process. The staff member may invite a support person (e.g., relative or friend) of his/her choice to attend meetings, but the person may not act as the staff member's representative or present argument on the member's behalf. The support person may only consult with the complainant.

(5) When complaints arise, the following procedure shall be followed.

(a) Pre-step: The staff member and his/her immediate supervisor shall meet to attempt to work out the complaint on an informal basis. If the complaint is not resolved under this informal method, the staff member shall proceed as follows.

(b) Step one. The staff member shall first present a written complaint to the staff member's department head, or designee, within ten working days of the event upon which the complaint is



based. Within ten working days after receipt of the complaint, the department head, or designee, will schedule a meeting with the aggrieved classified staff member to discuss the complaint and listen to the complainant's explanation. Following the meeting, the department head, or designee, shall issue a written response to the complaint within ten working days.

(c) Step two. If the complaint is not satisfactorily resolved in step one, the aggrieved employee may file a written appeal with the assistant vice president for human resources, or designee, within ten working days after the receipt of the step one decision. The assistant vice president for human resources, or designee, will schedule a meeting with the aggrieved staff member, supervisor, department head and/or other appropriate University personnel within ten working days after the receipt of the appeal and will render a written decision within ten working days after the close of the meeting. A copy of the written decision will be sent to the complainant. Such decision will be final.

(d) Step two of the complaint resolution procedures is the final step of the internal appeals process.

(O) Nepotism.

(1) Appointment, classification and promotion is based solely on appropriate qualifications and performance. Relationship by family, marriage, or partnership shall constitute neither an advantage nor a deterrent to appointment in the university, provided the individual meets and fulfills the appropriate appointment standards. It is not the intent of this policy to encourage the employment of relatives within the same unit, but rather to reemphasize the concept that the selection of personnel shall be solely on the basis of merit in accordance with the state of Ohio conflict of interest statutes.

(2) The university, on a full-time or part-time basis, may employ members of the same immediate family so long as neither family member is responsible for the decision to hire, supervise, direct, evaluate or make recommendation to merit increases for the other, or is in a position to influence those decisions.

(P) Uniforms.

An employee who is required to wear a uniform is provided uniforms. Generally, five uniforms remain in the possession of the employee during the period of active university employment. It is



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the responsibility of the employee to provide for the cleaning and repair of uniforms. Unserviceable uniforms are replaced at the discretion of the university. Uniforms must be returned upon the employee's termination of employment.