



Ohio Administrative Code

Rule 3352-5-07 Conditions of employment for unclassified staff.

Effective: June 11, 2017

(A) Termination notification.

(1) The unclassified staff of Wright state university who have been hired on a continuing employment agreement can be terminated by the university. The affected staff members shall be notified in writing as specified in paragraph (A)(2) of this rule. Term of employment shall include only continuous employment at Wright state university as classified staff, unclassified staff, or faculty with no prior breaks in service.

(2) Employees can be terminated for documented just cause as provided in applicable laws, rules, and regulations or because of financial exigency, without notice. All unclassified staff members can appeal a just cause termination in compliance with the grievance procedure for the unclassified staff. Notice of involuntary separation shall be provided to any unclassified staff member whose position has been eliminated without just cause. The university will provide one-week of notice for each full year of continuing service with the university, with no prior breaks in service, at a minimum of four weeks and a maximum of up to twenty-four weeks.

(a) Unclassified staff members who are on special contracts and/or on renewable appointments are not entitled to the notice periods referenced in this rule.

(B) Job descriptions and titles. To achieve a rational system for the creation and assignment of titles for unclassified staff positions, the department of human resources shall be responsible for:

(1) Collecting and filing current job descriptions for all unclassified positions and updating job descriptions as needed.

(2) Conducting, with the help of internal and external resources, a comprehensive review/benchmarking of existing job titles and how they relate to job descriptions and to each other.



(3) Recommending policy to ensure consistency and fairness in the assignment of titles for unclassified positions throughout the university.

(C) Unclassified staff performance appraisals.

(1) Performance appraisals shall be an annual requirement. The department of human resources shall collect a copy of the annual performance appraisal for inclusion in the employee's file in the department of human resources. In addition to a written annual performance appraisal, supervisors are encouraged to provide informal evaluations to their employees throughout the year.

(2) All offices/departments use the university performance appraisal process, but individual offices/departments may design their own performance appraisal instruments to supplement the university program.

(3) Supervisors shall be provided with formal training on evaluating employees.

(4) An educational program for all members of the unclassified staff shall be conducted so that an employee understands how performance appraisal benefits the university, his/her office, and the employee.

(D) Pay raise.

(1) The annual, written evaluation of employees shall be a major determinant in awarding any merit pay raise.

(2) The evaluation process and its relationship to awarding any annual pay raise shall be explained to employees prior to implementation.

(E) Grievance procedure.

(1) The purpose of the grievance procedure is to secure a prompt resolution to formal complaints by unclassified staff members regarding the terms and conditions of employment, salary, or other benefits. Complaints regarding discrimination should be referred to the office of affirmative action



programs for resolution and are, therefore, not covered by this procedure.

(2) The grievance procedure is designed to promote remediation at the lowest possible level, while at the same time preserving the right of each employee to due process. All deliberations and discussions relating to a grievance shall be treated with confidentiality by all parties. The procedure is divided into informal and formal systems.

(a) Informal grievance system.

(i) This step consists of on-the-spot discussion of the grievance among the complainant, the respondent, and the supervisor(s). If mutually agreeable, each party may be accompanied by another employee. This step represents an attempt to rectify the problem at the point of origin.

(ii) In the absence of satisfaction to all parties in paragraph (E)(2)(a)(i) of this rule, either party or a supervisor of either party can have both parties to a grievance give an oral presentation of the matter before the next higher administrative officer. Each party can be accompanied by another employee. The reviewing officer can seek guidance from a third party such as the provost, appropriate vice president, or a representative from the department of human resources or from the office of general counsel. The third party can act as a consultant providing information concerning policies, procedures, directives, and regulations which may bring about a satisfactory resolution. In cases where the complaint is of such a sensitive nature that the employee feels unable to discuss it with his/her immediate supervisor, the complainant can go directly to the supervisor's supervisor.

(iii) The reviewing officer shall give a response in writing to the aggrieved employee within five working days unless an extension is mutually agreeable.

(b) Formal grievance system. In the event the grievance is not settled in the informal grievance system, the formal grievance system may be pursued to assure due process for the complainant, the respondent, and the university.

(i) Within ten working days of the reviewing officer's report, the complain shall be made in writing, giving full details, and sent to the assistant vice-president for human resources, who will coordinate paragraphs (E)(2)(b)(ii), (E)(2)(b)(iii), and (E)(2)(b)(iv) of this rule in a timely manner.



(ii) A panel of three members of the unclassified staff shall be chosen to serve as the hearing board. One shall be chosen by the complainant, one by the respondent, and the third, who shall serve as chair, shall be chosen by the first two members. No staff member who is related administratively (direct supervisor or direct report) or personally (family member, including domestic partner) to either party of the complaint shall be eligible to serve on the hearing board.

(iii) The hearing board shall be convened and shall conduct a formal closed hearing within ten working days, providing both complainant and respondent have ample opportunity to introduce evidence, and to examine, and cross-examine witnesses. Any party to the case can be represented by another employee of the university. The hearing board shall render a decision in writing to all parties, including the appropriate administrative officer, within ten working days of the conclusion of the hearing.

(iv) In the event either party to the case is dissatisfied with the decision of the hearing board, he/she has thirty days to appeal that decision to the president of the university, subject to the president's agreement to hear the case (not an appeal of right, but of choice). The president or his/her designee shall take such action as is deemed necessary to assure that all parties have been afforded due process and have received fair treatment. The president or his/her designee can confirm the decision, overturn the decision, render a compromise decision, or remand the case back to the hearing board for further hearing. The decision of the president or his/her designee shall be final within the university.

(F) Professional development program.

(1) Purpose. The professional development program is to prepare individual professional staff members to serve better the educational process, the academic community, and thus the institution as a whole by increasing the effectiveness of the staff member in a current assignment or preparing the individual to assume a position of new responsibilities at Wright state university. The spirit of the program is to permit the staff member and his/her supervisor's maximum flexibility in planning the individual's professional development. However, unclassified staff should not submit proposals with a goal of working toward an educational degree.



(2) Criteria for eligibility. Any unclassified staff member who has served the university for a minimum of seven full years and is employed on a continuing employment agreement shall be eligible for consideration for the professional development program. Eligibility alone does not guarantee that a professional development leave shall be granted. Proposals shall be reviewed according to the following criteria:

- (a) Evidence of potential value of the professional development leave to the university.
- (b) Performance of the individual in his/her position.
- (c) Potential contribution of the individual to the university following the professional development leave.
- (d) Ability of the administrative unit to absorb the work or suspend responsibilities during the period of the professional development leave.

(3) Length/salary. Professional development leaves can be of varied length. Leaves of up to three months shall be at full pay. Longer leaves only shall be granted if the nature of the professional development project necessitates such length. Leaves of more than three months but less than six months shall be at seventy-five per cent of salary. Leaves of more than six months but less than nine months shall be at fifty per cent of salary. Assistance with expenses shall be negotiated individually with the appropriate supervisors. It is not necessary for the leave time to be continuous.

(4) University benefits. A staff member on a professional development leave shall still receive all eligible university benefits; for example, insurance, retirement, worker's compensation, consistent with applicable law, rules, and regulations.

(5) Application procedures.

(a) A staff member shall discuss a proposal for a professional development leave with his/her appropriate supervisors to assure that the formal application will be of significant benefit to the university. Application for a professional development leave is to be made in writing to the appropriate supervisor. The supervisor will evaluate the staff member's application and send the



application and his/her recommendations to the provost, appropriate vice president, or appropriate dean. The evaluation shall include a specific analysis on how the administrative unit will absorb the work load during the development leave. The provost, appropriate vice president, or appropriate dean shall review all applications in his/her administrative or college/school area, and if supported, shall send them along with his/her recommendations to the president of the university for final approval. The staff member shall be given written notification of the action in a reasonable length of time. The application must include a well-considered plan presented with a reasonable degree of specificity, showing how the leave will contribute to the staff member's professional development and the goals of the institution. The president shall be responsible for establishing annual deadlines for application and can establish a process for ensuring equal consideration of proposals from all vice presidential areas.

(b) The terms of the leave shall be clearly stated in writing in the form of an agreement between the individual and the appropriate supervisor and executive officer.

(6) Continuing service. It is expected that, under normal circumstances, a staff member shall return to Wright state university for a minimum of one additional year of service following the leave period.

(7) Report. A report on the completed professional development leave shall be submitted to the president of the university following the return of the staff member to his/her duties at Wright state university.