



## Ohio Administrative Code

### Rule 3364-25-111 Corrective action (non-collective bargaining unit employees).

Effective: [March 31, 2018](#)

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#### (A) Policy statement

It is expected that the employees of the university of Toledo maintain high standards of behavior, conduct, and work performance consistent with our mission and vision. Employees who fail to abide by the established standards may be subject to appropriate disciplinary action. When implementing discipline as corrective action, each university of Toledo division/college shall undertake disciplinary measures for the purpose of correcting an offending employee's inappropriate conduct/behavior.

#### (B) Purpose of policy

The purpose is to advise employees of actions or behavior subject to corrective action and procedures. Disciplinary actions should be imposed with the intent of giving the employee the opportunity to correct his/her behavior. If such correction does not occur, the level of discipline should become more severe. Certain offenses, by their nature, may warrant more severe disciplinary action up to and including removal, irrespective of issuance of prior discipline.

#### (C) Scope

This policy applies to employees not covered by a collective bargaining agreement.

#### (D) Procedure

A non-bargaining unit classified employee may be subject to corrective action for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty or any failure of good behavior, or any other acts of misfeasance or nonfeasance in office, use of alcohol or abusive drugs while on duty, or for other just cause.



Exempt unclassified employees occupying positions in a non-collective bargaining unit are considered at will employees. As such, they may be subject to progressive discipline at the discretion of the university, or be suspended or terminated for cause at its sole discretion.

Unclassified employees may be reduced, suspended, or removed only by an appointing authority - not by the supervisor or department head.

(E) Process

Applicable to classified employees

(1) In cases involving the discipline of an employee, the university will ordinarily follow the principle of progressive corrective action through a system of oral reprimand, written reprimand, suspension(s), and dismissal. However, it is recognized that a combination of various corrective actions against an employee, or an act of a serious nature may prompt the university to consider and bypass one or more of the corrective action steps outlined in this paragraph.

(2) Corrective action shall be taken with discretion, so as not to cause public embarrassment to the employee.

(3) Supervisors must discuss disciplinary cases with a human resources and talent development designee before taking action. Classified employees may be reduced, suspended, or removed only by the appointing authority--not by the supervisor or department head.

(4) Employees shall be afforded an opportunity for a hearing during the employee's regularly scheduled working hours, or a mutually agreeable time other than the scheduled working hours before the human resources hearing officer prior to being dismissed or suspended without pay. Employees required to attend such hearings will be paid for actual hours spent in such hearings. Employees who fail to appear at their scheduled hearing for any reason shall forfeit the right to a hearing provided reasonable notification of the hearing was provided. In such cases, appropriate corrective action may be given to the involved employee without a hearing. Prior to such hearing, the charges shall be reduced in writing with a copy to the employee. Approval, prior to the hearings, from the immediate supervisor, to release an employee(s) from regular duties during working hours to testify must be obtained. In special cases an employee may be suspended with or without pay



pending a hearing by an appointing authority. In assessing penalties, the offense(s) do not have to be of the same type or kind as any previous offense(s).

(5) After twelve months' corrective action records, which have resulted in suspension of three days or less, shall be disregarded in subsequent corrective action or in considering the employee for promotion, transfer or voluntary demotion. Upon written request by the employee, these records may be removed from the employee's personnel file after twelve months. All records of corrective action shall be maintained only in human resources and talent development.

(6) Corrective action records which have resulted in suspensions of more than three days shall be disregarded in subsequent corrective action or in considering the employee for promotion, transfer or voluntary demotion after twenty-four months, provided there have been no subsequent suspensions in the intervening period. Upon written request by the employee, these records may be removed from the employee's personnel file after twenty-four months, provided there have been no subsequent suspensions in the intervening period.

(7) Employees will receive a written notice of a suspension, a reduction, or a removal from the appointing authority. Non-bargaining unit classified employees may appeal a reduction, suspension in excess of three working days, or removal, to the state personnel board of review. A suspension of three or fewer working days may not be appealed to the state personnel board of review.