Cleveland State University

3344-61-01 Definitions.

This chapter of the Administrative Code, originally approved by the board of trustees effective July 1, 1996, and revised in February 2015, applies to all professional staff members of the university and all other unclassified personnel not included under the faculty and librarian personnel policies, or covered by the university's collective bargaining agreements with the "American Association of University Professors," (AAUP), or "Service Employees International Union, (SEIU). Executive staff reporting directly to the president are not covered by rule 3344-61-04 of the Administrative Code or by paragraphs (E)(1) to (E)(5) of rule 3344-61-07 of the Administrative Code; these professional staff members serve at the will of the president.

(A) "Professional staff members" are employees of the university and all other unclassified personnel not included under the faculty and librarian personnel policies, or covered by the university's collective bargaining agreements with the AAUP or SEIU, which includes both part- time and full-time staff members.

(B) "Part-time" is defined as an appointment whose regularly assigned workweek is fewer than forty hours per week, and fewer than thirty hours per week for health benefit eligibility. Individual appointments have to be six months or longer to be eligible for benefits.

(C) "Full-time" is defined as an appointment whose regularly assigned workweek is forty hours per week over a period of an academic or fiscal year and a minimum of thirty hours per week for health benefit eligibility. An appointment has to be six months or longer to be eligible for benefits.

(D) "Individual letter of appointment" is a letter, signed by the president, or an authorized university administrator or designee, specifying a professional staff member's conditions of employment and rate of compensation.

(E) "Immediate family" includes mother, father, brother, sister, spouse, daughter, son, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparent, grandchild, registered same-sex domestic partner, dependents of a registered

same-sex domestic partner, legal guardian, stepparent, stepchild or other person who stands in place of a parent.

(F) "Unit" defines the area of a staff member's activity, regardless of administrative level within the university. Unit refers generally to an organizational structure; e.g. a department, office, sector, or center, and normally will be under the direction of a unit head/administrator and a unit supervisor.

(G) "Salary grade" is an established pay range for each position noting the minimum and maximum salaries for the pay range.

3344-61-02 Appointment and conditions of employment.

(A) Appointment.

Appointments shall be made in accordance with the affirmative action plan of the university as approved by the board of trustees.

(B) Procedures for appointment.

The unit, in conjunction with human resources compensation, develops a job description detailing the duties, responsibilities and minimal requirements and qualifications necessary to perform the functions of the position. Human resources compensation analyzes the description and assigns a salary grade to the position. Following this process, the unit obtains presidential or designee approval, and authorizes university administrator approval to initiate the appointment.

(C) Letter of appointment terms.

Only the president, or an authorized university administrator or designee, may provide a staff member with a letter of appointment, which stipulates the term of appointment, title, salary grade and salary. Professional staff members are considered employees at will, subject to the provisions of these policies. Professional staff members shall receive subsequent notice of salary adjustments, as appropriate.

(D) Professional staff regular and temporary appointment.

There are two categories of appointment: regular or temporary.

(1) Regular Appointment. Regular appointments are identified as regular base-funded or regular funds-available.

(2) Regular base-funded. Regular base-funded are appointments to positions that are funded by instruction and general, general fee or auxiliary funds. The individual occupying the position is designated as full-time or part-time.

(3) Corresponding employment appointments may be renewed annually.

(4) Regular funds-available. Regular funds-available are appointments to positions that are not funded by instruction and general, general fee, or auxiliary funds. The position is not assumed to be continuing; continuation is contingent upon funds availability. Consequently, employment letters indicate specific starting and ending dates. The individual occupying the position is designated as full-time or part-time.

(5) The provisions of paragraphs (E)(1) to (E)(5) of rule 3344-61-07 of the Administrative Code do not apply to staff members hired into regular funds available positions. The appointments of regular funds available employees may be ended without prior notice. Letters of appointment for regular funds-available appointments shall include a statement of these facts.

(6) Temporary appointment. Individuals hired for a specific project or hired for a similar task on an intermittent basis over an extended period of time (duties that occur sporadically) are categorized as temporary. Employment is contingent upon project need, intermittent workload peaks and funding availability; consequently there is no expectation of continued employment. Letters of appointment shall be either annual, as needed hourly or salaried and shall indicate specific starting and ending dates that are tied to a specific project. Although the time period may not extend beyond one year, the assistant vice president of human resources or designee may grant time extensions, if the extension relates directly to the original project, subject to the renewal of waiver of posting.

(7) The provisions of paragraphs (E)(1) to (E)(5) of rule 3344-61-07 of the Administrative Code do not apply to temporary professional staff members. These appointments may be ended without prior notice. Letters of appointment for temporary positions shall include a statement of these facts.

(8) Introductory period. Newly hired professional staff members shall serve an introductory period of six months. Staff members promoted or transferred from a bargaining unit or classified position are also subject to this introductory period. This period is designed to permit the staff member's supervisor to ascertain the staff member's skills and potential. The introductory period may be extended for an additional ninety days as requested by the supervisor and approved by the assistant vice president of human resources or designee. The employment of staff members who do not satisfactorily complete an introductory period may be terminated pursuant to rule 3344-61-07 of the Administrative Code.

(E) Job titles and descriptions

(1) Job titles and descriptions provide functional meaning and organizational consistency throughout the university.

(2) Every full-time and part-time professional staff position must have a written job description appropriate to the position and title that shall be provided to the staff member at the time of the initial appointment. The job description shall include title, major duties and responsibilities, minimum job requirements, preferred requirements (if any), supervisory and budgetary responsibility, reporting relationships, salary grade, and other pertinent information, as determined by human resources compensation.

(F) Personnel files and contents

The official personnel file is maintained in the department of human resources. The official personnel file for each staff member shall contain the following in either hard copy or electronic form, if available:

(1) Letter of application and all materials requested or received by the university from persons other than the applicant in connection with the staff member's original employment, including official academic transcripts;

(2) Offer of appointment, initial date of employment, and letter of appointment;

(3) Job description(s);

(4) Documents relating to position classification, grade, and length of time in position;

(5) Documents pertaining to reclassifications or transfers; Documents pertaining to salary recommendations;

(6) Documents pertaining to the staff member's professional activities and accomplishments;

(7) Performance evaluations and reviews;

(8) Disciplinary actions and information pertaining to disciplinary actions; personnel actions pertaining to extended leaves;

(9) Information pertaining to separation from employment.

(10) All personnel files are public records. The professional staff member, the staff member's supervisor, university general counsel, institutional equity and prospective supervisors, may view the personnel file without written request. All other requests must be submitted by a public records request. The professional staff member, whose file is being viewed as a result of a public records request, shall be notified of the request in writing by the department of human resources.

(11) Other personnel related files containing benefits information, workers' compensation, medical, "Family Medical Leave Act" (FMLA), or "American Disability Act" (ADA) information shall not be maintained in the official personnel files and shall not be available for public inspection.

(G) Joint appointments

(1) Persons with appropriate qualifications may be given a joint appointment to the faculty and professional staff. In such cases, appointment procedures for both faculty appointment and professional staff appointment must be followed.

(2) Upon appointment, such persons shall enjoy the procedural rights of the professional staff as to their professional staff employment so long as their appointment for executive, professional, or administrative work is in effect.

(3) This section does not prohibit the granting of academic tenure to personnel on joint appointments involving an academic department.

(4) Adoption of these professional staff rules shall not divest a person of any tenured faculty status acquired prior to initial adoption.

(H) Nepotism. The university may employ members of the same immediate family, on a full-time or part-time basis, so long as neither family member is responsible for the decision to hire, supervision, direction, evaluation or recommendation as to merit increases for the other. 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.

3344-61-03 Annual performance evaluations.

(A) Cleveland state university is committed to promoting a highly engaged employee workforce. To achieve this, overall institutional goals are communicated, which are subsequently incorporated into college or department and individual staff member specific goals. Cleveland state university aligns the efforts of staff members towards achievement of university goals by providing performance planning, assessment, coaching and development.

(B) General. The department of human resources is responsible for the development, implementation, ongoing maintenance and training of the performance management system. All full and part-time professional staff members are required to participate in the annual performance appraisal process. Each supervisor is charged with ensuring the timely completion of the performance evaluation, approved by their immediate supervisor, prior to discussions with the staff member.

(C) The final performance evaluation, a shared responsibility between the staff member and supervisor, shall reflect each perspective on the attainment of previously established goals, an objective review of job competencies, and the execution of job responsibilities. The evaluation shall conclude with an overall supervisory rating with comments pertaining to the performance cycle, focusing on areas of achievement, areas for improvement, and goals for the subsequent year.

(D) Responsibilities.

(1) Annual evaluation. Performance evaluations shall be completed annually. Professional staff members whose hire date is less than six months prior to the end of the evaluation cycle shall not be eligible for a merit adjustment, but may participate in a mid-year review.

(2) Implementation. The professional staff member's immediate supervisor is responsible for the timely completion and submission of the annual performance review. As part of this process, the supervisor ensures that the staff member and the next level supervisor have had

input into the review process. The staff member must acknowledge that the performance discussion was held by providing an electronic signature.

(3) Professional staff members are encouraged to add their final comments following the discussion of the evaluation with the supervisor using the comments section under the overall rating tab.

(4) Review of performance evaluation. A staff member who disagrees with the overall performance evaluation rating may request a review by the department of human resources. The staff member must submit a written statement detailing the basis for the challenge with any relevant documentation supporting the claim. The assistant vice president of human resources or designee, shall review the submission and take whatever remedial action that may be warranted.

(5) The staff member's written statement must be submitted to their supervisor and human resources within ten working days after the final performance discussion. The staff member's rebuttal, plus any additional documentation resulting from it, shall be attached directly to the electronic performance assessment form. Additionally, the next level supervisor must be apprised of the rebuttal and any subsequent action.

(6) The results of the performance evaluation process, including the individual and overall rating scores and eligibility for any merit award based on the scores, shall not be subject to the complaint resolution steps and process set forth in paragraph (G) of rule 3344-61-08 of the Administrative Code.

3344-61-04 Job classifications and salary adjustments.

Job classifications and salary adjustments are administered in accordance with the Cleveland state university professional staff compensation program.

3344-61-05 Administrative leave.

When the president of the university or designee determines that the continued presence of a staff member on the campus constitutes a substantial interference with the orderly functioning of the university or of an area, unit, department or college, a professional staff member may be placed on administrative leave pending review. Such leave may be with or without pay.

3344-61-06 Progressive corrective action.

(A) The purpose of progressive corrective action is to impress upon a staff member the need to improve performance or behavior. Progressive corrective action is encouraged to the extent practicable and appropriate. Progressive corrective action may include oral and written warnings. Nothing limits the right of the university to bypass progressive corrective action and immediately suspend or dismiss a professional staff member for any offense that, in the university's sole discretion, is of such a serious nature that use of progressive corrective action is not appropriate or warranted.

(B) In any disciplinary matter where the charge is sexual discrimination or harassment of a student, or a claim of sexual violence that occurs on or near campus, the complainant will receive notice of hearings/meetings and outcomes at the same time the employee receives such notices, and the complainant may attend hearings/meetings with one support person.

3344-61-07 Termination of employment.

(A) The employment of a professional staff member may be terminated by resignation, retirement, removal during introductory period, termination of appointment, layoff, or dismissal.

(1) Resignation. Professional staff members have an obligation to provide the university a written notice of intent to resign. Notice should be given to the immediate supervisor and forwarded to the appropriate administrative officer at least thirty days, or less if mutually agreed upon by the supervisor and the staff member, before termination of service.

(2) Retirement. A professional staff member planning to retire should give written notice of intent to their immediate supervisor at the earliest date possible, but not less than thirty days before termination of service.

(B) Termination of appointment.

(1) Requests for termination of an appointment during an introductory period, accompanied by appropriate documentation, must be approved by the human resources department and the vice president responsible for that division, and may be implemented without prior notice after the approval is received.

(2) Recommendations to terminate all other appointments are to be made to the president or president’s designee and shall be accompanied by documentation from the appropriate administrative officers.

(3) If the president or the president’s designee concurs with the recommendation(s), the president, or designee, shall direct that a notice of the termination of appointment be sent by regular and certified mail to the professional staff member's home address which is on file with the university. Such notice shall be deposited in the mail no later than the number of days prior to the termination of the professional staff member’s appointment as described in the table set

forth in paragraph (B)(5) of this rule. It is the professional staff member's responsibility to regularly update the university with address change information.

(4) The professional staff member in the second year or more of professional service at the university is entitled to be apprised of the reasons for termination of appointment in writing and may request a review of the decision through the complaint resolution procedure, as provided in rule 3344-61-08 of the Administrative Code.

(5) Termination notice.

The amount of notice received will be based upon continuous years of university service since the last date of hire.

Post introductory period to three years	Four weeks
Four to six years	Six weeks
Seven to ten years	Eight weeks
Eleven to fourteen years	Ten weeks
Fifteen or more years	Twelve weeks

(C) Exceptions. The provisions of this section are not afforded to the categories of personnel listed below. Those employees may be terminated with legal reason, at any time and without reference to the notice periods set forth in paragraph (B)(5) of this rule:

(1) Staff members serving an introductory period;

(2) Staff members hired into funds-available positions; and

(3) Staff members hired into temporary positions.

(D) Layoff.

Termination of professional staff members prior to, during, or at the end of an appointment period may occur because of a financial emergency or because of reorganization or position elimination. Such a termination of appointment shall be designated a layoff.

(1) Layoff due to financial emergency. Layoff of a professional staff member may occur, when deemed necessary by the president or designee, due to a financial emergency as declared by the board of trustees. Upon occurrence of the layoff, the individual's termination document shall designate that the layoff was due to financial emergency.

(2) Layoff due to reorganization or position elimination. Layoff of professional staff members at the university may occur when reorganization is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, or redirection. Position elimination occurs due to budgetary constraints or when, in the university's discretion, the position is no longer required. Such positions may not be backfilled.

(3) Reorganization or position elimination must be reviewed by the department of human resources and approved by the president or designee. Upon occurrence of the layoff, the staff member's termination document shall designate the reason of either reorganization or position elimination.

(4) Professional staff member laid off due to financial emergency or reorganization shall be accorded the following rights and privileges:

(a) The unit head must provide documentation to justify the layoff of the professional staff member(s) under this section. Such documentation must be forwarded to the appropriate vice president or the provost for approval to proceed, and a copy must be sent to the attention of the assistant vice president of human resources. If the release is initiated at the vice president or the provost level, all appropriate documents shall be forwarded to the president or designee for approval to proceed. The staff shall be notified in writing of the decision to effectuate the release. Such notice will be provided.

(b) Staff members who are laid off pursuant to this section may review the listing of all current university job openings to attempt to secure alternative appointments within the university. Affected staff members must meet the qualifications of the open positions for which they apply.

(c) If, within a period of eighteen months from the date of the layoff of a professional staff member, the president or designee, determines that the professional staff member's position should be reopened, within the same department, title and grade, then re-appointment shall first be offered to the laid off staff member. The offer shall be sent to the last known mailing address of the staff member, who shall have a reasonable time, not to exceed fifteen days from the date that the letter is mailed, within which to accept or decline the offer of re-appointment.

(d) The staff member being laid off shall be entitled to a hearing in accordance with the procedures provided in rule 3344-61-08 of the Administrative Code, complaint resolution procedures, if the staff member requests such a hearing. Such a hearing may occur subsequent to layoff.

(E) Dismissal. Professional staff may be dismissed for performance or conduct deficiencies, including, but not limited to the following:

(1) Unsatisfactory performance;

(2) Neglect of assigned duties and responsibilities;

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

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

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

(a) The use of illegal substances or abuse of prescribed medications.

(b) Possession of illegal substances, the illegal possession of drugs and medication for the purpose of the sale of those substances or drugs.

(c) Sexual, ethnic, racial, or religious harassment, or any other harassment prohibited by law.

(d) Personal conduct that interferes with the operations of the university;

(e) 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.

(f) 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.

(g) Concealing, falsifying, altering or removing university records, including electronic data records.

(h) Viewing, recording, copying, or otherwise using university records for which the individual does not have a business purpose to do so.

(i) Producing fraudulent or falsified credentials.

(6) After consultation with the department of human resources, recommendations for dismissal shall be sent by the unit head to the appropriate vice president or the provost, along

with the appropriate documentation. Such recommendation shall be forwarded to the president for approval to proceed.

(7) If the dismissal is initiated at the vice president or the provost level, after consultation with the assistant vice president of human resources, all appropriate documents shall be forwarded to the president or designee for approval to proceed.

(F) Procedures for initiation and notification of dismissal of professional staff members.

If the recommendation to dismiss a professional staff member is accepted, written notification of dismissal must be sent by the president, or designee, to the professional staff member by certified and regular mail. Such notice shall indicate a date of discharge, not less than ten working days from the date of mailing. Professional staff members who are dismissed for cause are not entitled to the notice provisions of paragraph (B)(5) of this rule.

(1) The professional staff member may request a timely pre-dismissal hearing by providing written notification to the department of human resources. Such hearing shall be convened by the department of human resources and held within the ten day period. The hearing shall be held pursuant to the complaint resolution procedure set forth in paragraphs (G)(2)(c) and (G)(2)(d) of rule 3344-61-08 of the Administrative Code. In any disciplinary matter where the charge is sexual discrimination or harassment of a student, or a claim of sexual violence that occurs on or near campus, the complainant will receive notice of hearings and meetings and outcomes at the same time as the employee receives such notices, and the complainant may attend hearings and meetings with one support person.

(2) If dismissal is effectuated, the dismissal shall be effective as specified on the notice of dismissal.

(3) The staff member may request an appeal of the action within ten working days from the date of dismissal.

(4) Information pertaining to professional staff members arrested for certain offenses can be found in rule 3344-61-16 of the Administrative Code.

3344-61-08 Complaint resolution procedure.

(A) It is understood that the prompt presentation, adjustment and response to staff complaints is desirable in the interest of sound employee relations. The prompt and fair disposition of complaints involves the important and equal obligations and responsibilities, both joint and independent, on the part of the university and the complainant to protect and preserve the complaint resolution procedure as an orderly means of resolving complaints.

(B) Any claims of unlawful discrimination or harassment under federal and state civil rights laws, fair employment practice acts, or university policy shall not be processed through this complaint resolution procedure. Such claims shall be first discussed by the claimant with the university's director for institutional equity as a means of achieving an informal resolution of the claim. If an informal resolution is not possible, the claimant may file a formal written complaint with the university's office for institutional equity. The claimant and respondent shall have access to the resources available through the university's office for institutional equity.

If a complaint is related to a claim of sexual discrimination or harassment of a student, or a claim of sexual violence that occurs on or near campus, both the complainant and respondent to that claim will receive notice of hearings and outcomes at the same time, and both parties may, with one support person, participate in hearings. The complainant will have equivalent rights to appeal as the respondent, including to appeal if he or she believes sanctions are too light. The resolution of the complaint may be altered as a result of such appeal.

(C) When other complaints arise, the professional staff member shall attempt to resolve the issue with his or her immediate supervisor through discussion, mutual understanding, and documentation if appropriate.

(D) Dismissals as described in paragraphs (E)(1) to (E)(5) of rule 3344-61-07 of the Administrative Code are not subject to the provisions of this section. A dismissal hearing may be requested under that paragraph.

(E) Classification determinations by human resources compensation are not subject to the provisions of paragraph (G) of this rule. For classification appeals, professional staff members may utilize the appeal process set forth in the professional staff compensation program.

(F) Procedures for complaint resolution under this section.

(1) A complaint, under this rule, may be brought by any professional staff member.

(2) A complaint is defined as a dispute or disagreement concerning the alleged misapplication of, misinterpretation of, or failure to comply with specific provisions(s) of this chapter, unless otherwise noted.

(G) Complaint resolution steps and process.

(1) No parties may have legal representation present at any step in the complaint process. The professional staff member may invite a support person (e.g., relative or friend) of their choice to attend meetings, but the person may not act as the professional staff member's representative or present argument on the staff member's behalf. Such individual may only consult with the complainant.

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

(a) Pre-step: The professional staff member and their 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 professional staff member shall proceed according to the steps in this paragraph.

(b) Step one: The professional staff member shall first present a written complaint to their 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, shall schedule a meeting with the aggrieved professional 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 settled in step one, the aggrieved staff member 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, shall schedule a meeting with the aggrieved professional staff member, supervisor, department head or other appropriate university personnel within ten working days after the receipt of the appeal and shall render a written decision within ten working days after the close of the meeting. A copy of the written decision shall be sent to the complainant. Such decision will be final.

(d) Step two of the complaint resolution procedures set forth in this paragraph is the final step of the internal appeals process.

3344-61-09 Leaves of absence with pay.

(A) Family and medical leave. The university complies with the requirements of the Family and Medical Leave Act. The university retains the right to implement regulatory technical corrections as necessary to comply with the law.

(B) The Family and Medical Leave Act provides eligible staff members with up to twelve weeks (four hundred eighty hours) of leave for certain family and medical reasons. Cleveland state university requires staff members to substitute any available accrued sick leave, accrued vacation, or compensatory time (comp time) in this stated order of priority, for any unpaid FMLA leave. Substitution of paid leave for unpaid FMLA leave does not extend the length of FMLA leave. Paid leave shall run concurrently with the staff member's FMLA entitlement.

(1) Accrued sick leave shall be used when the FMLA leave is for the staff member’s own serious medical condition or to care for the staff member’s spouse, registered same-sex domestic partner, son, daughter, or parent (but not in-law) with a "serious health condition” as defined in the Family Medical Leave Act.

(2) Accrued vacation time shall be used for all other FMLA leaves and after accrued sick leave is exhausted.

(C) Vacation leave. Full-time professional staff members earn vacation leave at the rate of one point eight three days a month or a total of twenty-two workdays per year, prorated for the nine month or ten month academic year. Professional staff members appointed to a part-time position of one-half time or more shall earn vacation leave on a prorated basis. Professional staff members appointed at less than one-half time or for less than six months shall not earn vacation leave.

(1) Vacation requests. Vacation leave shall be available to the staff member to the extent earned, provided that the staff member’s supervisor or unit head approves the dates for such leave in advance.

(2) Annual carryover limit. Professional staff members are expected to use accrued vacation leave periodically. Vacation leave accumulation may not exceed forty-four days at any time within a fiscal year. On June thirtieth of each year, no more than thirty days of accrued vacation shall be carried forward to the next fiscal year. The assistant vice president for human resources may, in extenuating circumstances, grant an exemption to the carryover limitation upon the written request of the professional staff member and with support from the professional staff member's immediate supervisor and approval from the next higher level of management.

(3) Payout upon termination and cancellation of credit. At termination of employment, payment of unused vacation leave to a maximum of twenty-two days shall be made. Payment of unused vacation leave under this rule eliminates the remaining vacation credit after the maximum payout is made. Following submission of a resignation or retirement notice, a staff member may use a maximum of five days of vacation leave with supervisor approval.

(4) Reporting procedures. Utilization of time should be reported in accordance with the university's payroll procedures.

(D) Holidays.

(1) The university recognizes the following ten days as paid holidays.

(a) New Year's day

(b) Martin Luther King day

(c) Presidents' day

(d) Memorial day

(e) Independence day

(f) Labor day

(g) Columbus day

(h) Veterans' day

(i) Thanksgiving day

(j) Christmas day

(2) Alternative holiday scheduling. The administration may establish alternative days of observance for the following holidays.

(a) Martin Luther King day

(b) Presidents' day

(c) Columbus day

(3) To be eligible for holiday pay, a staff member must be in active pay status the day before and the day following the holiday.

(4) Holiday payment for part-time staff members. Part-time professional staff members are entitled to holiday pay for that portion of the day they normally would have been scheduled to work if the university designates that day as a holiday.

(5) Holiday payment for alternate work schedules. If a full-time professional staff member's work schedule is other than Monday through Friday, the staff member shall be entitled to holiday pay for holidays observed on a regular day off regardless of the day of the week on which they are observed.

(E) Period of professional obligation. Exempt professional staff members may be expected or assigned to work more than forty hours in a given week if necessary to complete the responsibilities

of the department. They are not eligible to receive overtime pay or compensatory time. However, for special circumstances the supervisor may allow for a temporary schedule adjustment.

(F) Sick leave. Sick leave with pay is a benefit available during absence due to personal routine medical care, illness, injury, or exposure to contagious disease; for the illness or medical attention of a member of the immediate family; death of a member of the immediate family. The immediate family, for the purpose of bereavement leave, includes mother, father, brother, sister, spouse, daughter, son, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparent, grandchild, registered same-sex domestic partner, dependents of a registered same-sex domestic partner, legal guardian, stepparent, stepchild or other person who stands in place of a parent.

(1) Bereavement leave. Up to five days of accumulated sick leave may be used for bereavement in the event of the death of a member of the immediate family.

(2) Accrual and utilization. The provisions for normal accrual and utilization of sick leave benefits are:

(a) Accrual. Sick leave credit will accumulate, based on semimonthly and biweekly pay groups respectively, at the rate of one point twenty five days or ten hours for each month of service or four point six hours per eighty hours of service without limit, including periods of vacation and sick and other paid leave. Staff on less than full-time appointments shall receive sick leave credits proportionate to the percentage of time or hours worked.

(b) Approval of sick leave requests. For planned absences, the staff member must notify the appropriate supervisor and gain prior approval. For unplanned absences, sick leave may be taken with the approval of the appropriate supervisor as soon as practicable, presumably on the first day of absence. In the absence of such notification and

approval, time may be charged to vacation leave or unauthorized absence with an appropriate pay adjustment. The university reserves the right to require proper evidence of illness in cases of planned and unplanned absence and prolonged or repeated absence.

(c) Transfer of sick credit from other public or state employers. If a staff member transfers from one department of the university to another or from the university to another Ohio public agency, or from another state of Ohio agency to Cleveland state university, accumulated sick leave credits will transfer insofar as is allowed by law. The former employer of the staff member transferring credits from another state of Ohio agency or public employer must furnish proof to the university, in writing, of sick leave credits.

(d) Exhaustion of paid sick leave. If the absence due to the staff member's illness or injury or immediate family member extends beyond the availability of accrued sick leave, the staff member may request the use of accrued vacation leave and compensatory time.

(3) Requests for unpaid absence. Professional staff members not eligible for family and medical leave and who do not have available accrued sick leave, vacation leave or compensatory time, may request an unpaid leave due to personal illness, injury or disability; or illness or injury of the immediate family, up to three months in length. Such leaves must be approved by the department of human resources.

(4) Payout upon retirement or disability. Professional staff members who, at the time of disability or service retirement, have ten or more years of service to the state of Ohio shall be compensated in an amount not to exceed one-fourth the value of accrued but unused sick leave credit up

to two hundred forty hours based on their rate of compensation at the time of retirement.

(5) Payout upon death. In the event of death, the university shall pay out one-fourth the value of accrued but unused sick leave credit up to two hundred forty hours based on the staff member's rate of compensation at the time of death.

(6) Maximum payout and cancellation of credit. Payment for sick leave under this rule eliminates all sick leave credit of the staff member at the time of retirement, disability or death. Payment shall be made only once to any staff member. The maximum sick leave payout upon retirement, disability or death shall be two hundred forty hours.

(G) Reporting procedures. Utilization of time should be reported in accordance with the university's payroll procedures.

(H) Annual military reserve duty. Professional staff members who participate in military reserve programs are entitled to leaves of absence for a period not to exceed thirty one days per calendar year. Staff members may receive pay for no more than one hundred seventy six hours of military reserve duty leave in a calendar year.

(I) Court leave. Leave with pay is granted when a professional staff member is called for jury duty or is subpoenaed to testify as a witness before any court or governmental hearing body. Service as an expert witness shall be considered to be in the same category as consulting and will be subject to the limitations thereon specified in rule 3344-61-13 of the Administrative Code.

3344-61-10 Leaves of absence without pay.

Professional staff members may apply for the following leaves of absence without pay. Requests for leave without pay for illness are subject to medical verification. Certain university benefits may continue during a period of leave without pay that is not covered by the Family Medical Leave Act consistent with the provisions of the consolidated omnibus budget reconciliation act of 1986 (COBRA) provided that the professional staff member on leave makes timely premium payments.

(A) Medical leave. Professional staff who are injured, physically incapacitated, or unable to work for other reasons of a medical nature may apply for and shall be granted an unpaid medical leave of absence the duration of which is based on medical necessity as determined by the university's leave administrator. The university shall require proof of illness or injury. Medical leave may not exceed six months inclusive of medical leave protected by the Family and Medical Leave Act.

(B) Disability. If disability due to illness or injury is expected to extend beyond three months, the staff member may apply for disability benefit through the university's disability administrator and state retirement systems.

(C) Family and medical leave. The university complies with the requirements of the Family Medical Leave Act. The university retains the right to implement regulatory technical corrections as necessary to comply with the law.

(D) The Family Medical Leave Act provides eligible staff members with up to twelve weeks (four hundred eighty hours) of unpaid leave for certain family and medical reasons. After accrued sick leave, vacation leave and compensatory time are exhausted, the balance of the twelve week FMLA leave period shall be unpaid.

(E) Extended leave of absence. Professional staff may request additional leave of absence to continue leave beyond the twelve week FMLA leave period not to exceed six months from the date sick leave is exhausted or medical leave period as conditions or obligations related to personal or family illness or injury, child care after birth, or placements for adoption.

(F) Applications for leaves described in this rule must be requested from the department of human resources. Completed applications must be approved by the supervisor, unit head, vice president or provost and returned to the department of human resources. Leave may be granted at the discretion of the assistant vice president department of human resources or designee.

(G) Special leaves. Leave without pay may be granted in extraordinary circumstances for study, research, election or appointment to public office, or for other personal or professional reasons subject to appropriate approvals. The board of trustees upon recommendation of the president has the authority to grant special leaves without pay. Applications must have recommendation for approval from supervisor, unit head, assistant vice president of human resources, and vice president or provost, prior to being submitted to the president.

3344-61-11 Staff development program.

(A) The staff development program at Cleveland state university is an educational assistance program for full-time and part-time staff members.

(B) Benefit overview. The university shall cover the in-state portion of all instructional and general fees up to eight credit hours of undergraduate or graduate courses per semester or for continuing education courses up to the equivalent cost of eight undergraduate credit hours per semester, for courses offered by Cleveland state university. The executive MBA and accelerated MBA programs are reimbursed at the normal graduate rate.

(C) Full-time staff member. For purposes of this section a full-time staff member is defined as a staff member with an appointment of six months or longer in a permanent or funds available position who is regularly scheduled to work forty hours per week.

(D) Part-time staff member. For purposes of this section a part-time staff member is defined as a staff member with an appointment of six months or longer in a permanent or funds available position who regularly works twenty or more hours per week but less than forty hours per week.

(E) Complete program details and applications may be obtained from the department of human resources.

3344-61-12 Student fee authorization program.

(A) The student fee authorization program at Cleveland state university is an educational assistance program for spouses, registered same-sex domestic partners, and eligible naturally born or adopted children who are financially dependent on qualifying full-time and eligible part-time professional staff members according to IRS rules. For eligible full-time staff, fee remission for credit courses offered by Cleveland state university shall be provided at one hundred percent of the instructional and general fees for undergraduate students, and fifty percent of the total instructional and general fees charged for graduate and professional students. Fee remission for eligible part-time staff shall be provided for seventy five per cent of the instructional and general fees charged for credit courses offered by Cleveland state university for undergraduate students, and fifty per cent of the total instructional and general fees for graduate and professional students. Benefits apply only to the in-state portion of any fee. Tuition remission from the student fee authorization program may not be used for continuing education courses. The benefit for premium-priced programs shall not exceed the standard law, graduate or undergraduate tuition.

(B) Staff member eligibility. A full-time staff member must have a minimum of two years of continuous full-time or part-time service of seventy five per cent full-time equivalency (FTE) with the university since the most recent hire date with the university. Eligibility is determined as of the first day of the session for the course(s) desired.

(C) Eligible Dependents. Eligible professional staff dependents are:

(1) Legal spouse

(2) Registered same-sex domestic partner

(3) Staff members or spouse’s or registered same-sex domestic partner’s natural born or adopted child

(4) An unmarried child who is age twenty-three or younger and eligible to be claimed or age twenty-four or older, and

claimed as a dependent on the staff member's, the staff member's surviving spouses, or the registered same-sex domestic partner's federal form 1040 U.S. individual income tax program benefit. An eligible spouse, registered same-sex domestic partner or child, may participate in the program for a total of one hundred forty four semester credit hours or two academic degrees, whichever is less.

(D) In the event of the divorce of the qualifying staff member, eligibility is continued for the spouse for a period of up to two years, as long as the qualifying staff member remains in an eligible, active status at Cleveland state university. Benefits shall be determined based on the staff member's current status in an active full-time or seventy five per cent FTE.

(E) Maximum benefit.

(1) Program benefits are available to each eligible dependent for the lesser of one hundred forty four semester hours including undergraduate and graduate credits or two academic degrees. Determination of the maximum benefit limit of one hundred forty four semester credit hours or two academic degrees shall be made by the registrar based on credit hours attempted.

(2) Eligibility for an ex-spouse of an eligible staff member is continued for a period up to two years from the date of the divorce, as long as the staff member remains employed at Cleveland state university and the benefit limit has not been reached. Eligibility for a registered same-sex domestic partner ceases with the termination of the domestic partnership.

(F) Changes in employment status

(1) In the event of total disability or retirement (under a state of Ohio retirement plan or social security) of an eligible staff member with ten years of Cleveland state university employment service, eligible dependents remain eligible for dependent fee remission benefits regardless of registration status at the time of the staff member's status change.

(2) Death of an eligible staff member. Eligible dependents remain eligible for dependent fee remission benefits regardless of registration status at the time of the staff member's status change.

(3) In the event of death of the eligible staff member who is a single parent, the eligible dependent remains eligible to age twenty-three.

(G) Extended military leave of absence

(1) In the event of an eligible staff member's extended military leave of absence due to a call to active duty by an act of congress or the president of the United States, eligible dependent(s) of the staff member shall retain eligibility to receive tuition remission benefits during the entire duration of the approved military leave.

(2) If an appointment of an eligible staff member is terminated as a result of a reduction of workforce (layoff), eligible dependents remain eligible for dependent fee remission benefits for two full semesters following layoff if the eligible dependent attended CSU during the last two academic terms immediately preceding layoff. If the eligible staff member is recalled, eligible dependents are immediately eligible for fee remission benefits if the staff member was eligible when the layoff occurred.

(H) Termination of active employment with the University for any other reason than stated in this rule: eligibility for dependent fee remission benefits ceases and the dependent is responsible for paying the full tuition and fees appearing on the fee statement.

3344-61-13 Consulting and extramural employment.

(A) Request for approval. The university recognizes the value for its personnel, for the university, and for the community of the many types of consulting and other external employment experiences that enhance the professional competency of individual staff members and bring credit to those staff members and the university. As a result, external service, that may render valuable services to business, industry, government, and the professions are permitted with appropriate approval.

(B) Written permission. Professional staff members who render professional counsel or services that fulfills a responsibility of the university to the community at large and provide valuable professional experience to the professional staff member may do so only with prior written permission and the approval of the staff member's supervisor and of the appropriate vice president or the provost. Such approval shall be forwarded to the department of human resources to be placed in the staff member's personnel file.

(C) Conflict with university responsibilities. No professional staff member shall be permitted, without prior supervisory approval, to undertake any extramural employment during scheduled hours of employment or shall undertake any employment that shall interfere with the reasonable demands of their job at the university.

(D) Use of university resources. Under no circumstances shall the professional staff member use the name, symbol, or address of Cleveland state university in any extramural employment agreement. University staff, facilities, equipment, and materials may be used for such purposes only with the express written consent of the university and according to explicit terms for reimbursement.

3344-61-14 Candidacy for public office.

A professional staff member may run for public office under the following conditions:

(A) Notice requirement. The staff member shall submit a full statement of any proposed campaign activities and of the responsibilities of the office to the staff member's immediate supervisor.

(B) Employment status. When, in the judgment of the university, those activities and responsibilities will conflict with the staff member's professional obligations, a written application for reduced levels of employment and compensation, or for special leave without pay, will be submitted to the vice president of business affairs and finance or the provost at least ninety days before the assumption of said activities. The Cleveland state university board of trustees shall consider and vote upon such a request.

3344-61-15 Conflict of interest.

No professional staff member shall have any unlawful interest in a public contract prohibited by Section 2921.42 of the Ohio Revised Code.

3344-61-16 Ohio law.

All professional staff shall be aware that the laws of the state of Ohio govern their conduct relating to their employment status, and when in conflict with these policies, the laws of the state of Ohio are controlling. Professional staff members should be aware, in particular, of Sections 3345.22 and 3345.23 of the Revised Code, which are part of the Ohio Campus Disruption Act (the "act"). The act requires that the university hold a hearing when a student, faculty or staff member is arrested for certain crimes of violence, as defined in the act, that take place on campus or affect the university community or property. This hearing – often referred to as a "1219 hearing" – is distinct from the faculty and staff disciplinary processes set forth in applicable collective bargaining agreements or other personnel policies, including this chapter of the Administrative Code. A faculty or staff member may be subject to those disciplinary processes in addition to the hearing required by the act. Hearings required by the act will be conducted according to procedures established by the office of general counsel and available at its website.

3344-61-17 Associate of the university status.

(A) Qualifications. Appointment to associate of the university status may be granted to distinguished retiring professional staff members, exclusive of those eligible for emeriti faculty rank, pursuant to the procedures set forth below. Associate of the university status will be granted only with a showing of exceptional service to the university.

(B) Procedures for appointment/nomination. Any member of the university community may make nominations/applications. Appointment is contingent upon the following criteria:

(1) Nominations/applications are submitted to the university's assistant vice president for human resources. The assistant vice president may request additional supporting materials and information.

(2) If the assistant vice president for human resources concurs that associate of the university status be granted, the assistant vice president shall forward the recommendation to the president, who shall recommend to the board of trustees all nominees whom the president deems acceptable.

(C) Privileges. Associates of the university will be issued a current identification card and will be entitled to listings in the Cleveland state university bulletin and telephone directory, mailings of appropriate materials, use of such university facilities at staff rates where applicable, university e-mail account, internet access and such other privileges as the president may designate.

3344-61-18 Recommendations to prospective employers.

In cases where prospective employers request official recommendations from the university (either oral or in writing or both) regarding current or former professional staff of the university, only the president and the assistant vice president for human resources or designee are authorized to respond to such requests.

3344-61-19 Severability.

If any rule, section, paragraph, subdivision, clause, sentence or phrase of this chapter will for any reason be held illegal or unenforceable, such decision will not affect the validity of the remaining portions of the chapter. If any provision of this chapter contains ambiguity, which may be construed as either valid or invalid, the valid construction will prevail.

3344-61-20 Review of personnel policies.

(A) Individuals, departments, units, committees or campus organizations interested in matters concerning professional staff may submit recommendations for revision of these policies in writing to the assistant vice president for human resources for review and possible action.

(B) The assistant vice president for human resources may direct that an overall review of these personnel policies be undertaken periodically, but at least every three years.