

In response to comments from the Management & Administrative Staff Association, and other commentators, following are replies to some of the questions posed:

The Professional Staff Personnel Policies have not been reviewed in five (5) years. An “event” did not cause a change in these policies. Rather, as the University has grown in stature, Administration decided that the University’s personnel policies needed to be in alignment with other major employers in the region.

As a result, the change in the Professional Staff Personnel Policies is just one of several initiatives put in place or are being implemented, including 1) a comprehensive review of all non-represented professional salaries to ensure that they were in the range of 15% of the market median; 2) a new performance evaluation system designed to fairly and consistently reflect individuals’ contributions to the University; 3) a more efficient recruitment process which has reduced the time to fill non-faculty positions by one-third; and 4) to maintain a robust benefit package with little to no increases in out-of-pocket expenses.

General knowledge of Northeast Ohio human resources practices through Cleveland SHRM and the HR Leadership Council of Northeast Ohio were used to develop this policy, as were the results of contacts with other Ohio public universities. No other major employer in Northeast Ohio offers its staff members annual contracts. Most Ohio public universities offer extended notice, usually based on years of service.

As a result of the comments received to the proposed revisions to the Professional Staff Personnel Policies, the notice period for termination of employment has been revised. As the University requests 30 days’ notice of resignation, it is equitable to give staff members a minimum of 30 days’ notice of employment termination, except for cause dismissals. The section addressing termination of appointment has been revised and included in the revised policies posted on the University Compliance website. These revised policies generally conform to other Ohio public universities.

In addition, 3344-61-07 (C)(4), indicating positions that are excepted from the termination notice provisions in (B)(6) has been removed, as has 3344-61-21, indicating titles of those positions.

As stated in the policies there are several reasons that staff members’ employment may be terminated: resignation, retirement, removal during introductory period, termination of appointment, layoff, or dismissal. Performance reviews may have a role in separation policies except in instances of layoff. Generally, employees who receive less than satisfactory performance evaluations are placed on performance improvement plans. Failure to improve work performance may lead to disciplinary action, including termination of employment. Procedures are in place to ensure that staff members are properly, fairly and consistently evaluated so that performance is given appropriate consideration when warranted during the termination process. As noted above, performance is not given consideration in layoff decisions. Accordingly, termination of employment of staff members with exceptional performance evaluations may occur, for example, as a result of reorganization.

Questions were also raised concerning “employment-at-will” status. In Ohio, that term means that a hiring for an indefinite period of time is terminable at the will of either party, the employer or the employee, for any cause or for no cause. Being covered under a collective bargaining agreement does

not change employees' at will status, but may modify it by provisions an employer agrees to in collective bargaining, e.g., layoff by order of seniority.

Whether to provide notice to employees of an impending termination of employment is a decision an employer is free to make, absent any other statutory, regulatory, or contractual requirements. However, the decision must be consistently applied and have at least a rational basis for the manner and method of notice.

The only exception to the employment at will doctrine is where a termination of employment contravenes public policy, where an employee is discharged or disciplined for a reason which is prohibited by statute. In some cases, the public policy exception has been extended to include instances where an employer did not follow its own policies and procedures.

We hope this answers the questions presented and addresses your concerns. Please review the revised policy on the University Compliance website. We appreciate your constructive comments as we all work together for the University's success.