

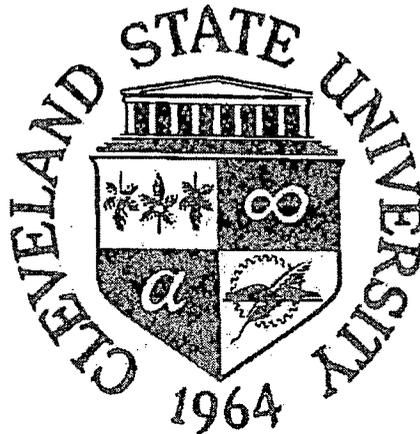
Student Life Reorganization 8/22/12

	Steven Liss - Director, Student Involvement (To Be Laid-Off)	Robert Bergmann - Assistant Dean of Student Organizations (Assuming Most Duties)	Valerie Hinton-Hannah - Assistant Dean of Judicial Affairs and Assistant Dean of Student Engagement - New Position To Be Posted and Filled Via Search (Assuming Some Duties)
Age	50	32	58
Race	White	White	Black
Gender	Male	Male	Female
	Mary Myers - Coordinator, Student Organizations (To Be Laid-Off)	Robert Bergmann - Assistant Dean of Student Organizations (Assuming Most Duties)	Jamie Johnston - Assistant Dean of Student Activities & Events; Student Life Budget Coordinator - Incumbent Retiring 10/31/12 - Position to Be Posted and Filled Via Search; Coordinator of Student Center & Commuter Programs - New Position To Be Posted and Filled Via Search; and Assistant Dean of Student Engagement - New Position To Be Posted and Filled Via Search (Assuming Some Duties)
Age	50	32	29
Race	Black	White	White
Gender	Female	Male	Female
	William Russell - Coordinator, Greek Affairs (To Be Laid-Off)	Assistant Dean of Student Engagement - New Position To Be Posted and Filled Via Search (Assuming All Duties)	(Assuming Some Duties)
Age	66	TBD	NA
Race	White	TBD	NA
Gender	Male	TBD	NA

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**PROFESSIONAL STAFF**  
**PERSONNEL POLICIES**



*Department of Human Resources Development and Labor  
Relations  
January 2010*

CLEVELAND STATE UNIVERSITY  
Handbook

8.0 Personnel Policies and Bylaws

**8.5 PROFESSIONAL STAFF PERSONNEL POLICIES**

*Revised January 2010*

**Section**

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- 8.5.2 Definitions Appointments and Conditions of Employment
- 8.5.3 Appointments and Conditions of Employment
- 8.5.4 Annual Performance Evaluation



- 8.5.5 Job Classifications and Salary Adjustments
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*Cleveland State University is an Affirmative Action/Equal Opportunity institution. No person will be denied opportunity for employment or education or be subject to discrimination in any project, program or activity because of race, color, religion, sex, sexual orientation, national origin, age, handicap, or disability, disabled veteran or Vietnam era veteran status.*

## 8.5 PROFESSIONAL STAFF PERSONNEL POLICIES

### 8.5.1 Professional Staff Personnel Policies. [\[Back to the top\]](#)

The Policies, originally effective as of July 1, 1996, and revised in January 2010 apply to all contract Professional Staff employees of the University and all other unclassified contract personnel not included under the Faculty and Librarian Personnel Policies, or covered by the University's Collective Bargaining Agreements with the AAUP or SEIU, except that those Professional Staff employees who report directly to the President are not covered by Sections 8.5.5, 8.5.8.3, and 8.5.8.4; these Professional Staff employees serve at the will of the President.

### 8.5.2 Definitions. [\[Back to the top\]](#)

The following are definitions of words and phrases used in these policies.

**8.5.2.1 Professional Staff** – Professional Staff employees of the University and all other unclassified contract 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 employees:

**A. Part-time** - A part-time employee is one whose appointment is designated as part-time and whose regularly assigned workweek averages fewer than 40 hours per week. A part-time professional staff employee must not be assigned to work more than 32 hours on average over a fiscal year.

**B. Full-time** - A full-time employee is one whose appointment is designated as full-time and whose regularly assigned workweek is 40 hours per week over a period of an academic or fiscal year.

**8.5.2.2 Individual Employment Contract** - The document, signed by the President, or designee, which extends a specified offer of employment for a specified time period and rate of compensation.

**8.5.2.3 Immediate Family** - The 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, stepparent, stepchild, and legal guardian or other person who stands in place of a parent.

**8.5.2.4 Unit** - Unit defines the area of an employee's activity, regardless of administrative level within the University. Unit refers generally to an

organizational structure; e.g. department, office, sector, or center, and normally will be under the direction of a unit head/administrator and a unit supervisor.

**8.5.2.5 Salary Grade** - An established pay range for each position noting the minimum and maximum salaries for the pay range.

### 8.5.3 Appointment and Conditions of Employment [\[Back to the top\]](#)

**8.5.3.1 Appointment.** Appointments will be made in accordance with the Affirmative Action Plan of the University as approved by the Board of Trustees.

**Procedures for Appointment .** The unit, in conjunction with the Compensation Director, develops a job description detailing the duties, responsibilities and minimal requirements/qualifications necessary to perform the functions of the position. The Compensation Director analyzes the description and assigns a salary grade to the position. The Compensation Director, or designee, in conjunction with the Classification Committee and/or the Vice President for Human Resources Development and Labor Relations, makes such actions. (See Cleveland State University Staff Compensation Program Manual for additional information). Following this process, the unit obtains Presidential, or designee approval to initiate the appointment process in accordance with the University's Affirmative Action Plan.

**Employment Contract Terms .** Only an authorized University administrator may provide an employee with an employment contract. Professional Staff employees shall receive appointments for a fiscal year beginning July 1 or a portion thereof, an academic year or a portion thereof, or a coaching season or a portion thereof. For fall sports, the coaching season runs from January 1 to December 31. For winter sports, the coaching season runs from May 1 to April 30. For spring sports, the coaching season runs from July 1 to June 30. Appointments will be subject to renewal or non-renewal annually. Appointments and re-appointments will not normally exceed one year. The initial contract stipulates the term of appointment, title, salary grade and salary. Every Professional Staff position must have a written job description that will be provided to the employee at the time of the initial appointment.

**8.5.3.4 Professional Staff Regular and Temporary Appointment.** There are two categories of appointment: Regular or Temporary.

**8.5.3.4.1 Regular Appointment .** Regular Appointments are identified as Regular Base-Funded or Regular Funds-Available.

**8.5.3.4.1.1 Regular Base-Funded.** Regular Base-Funded are appointments to positions that are funded by Instruction and General, General Fee or Auxiliary funds. The position is assumed to be continuing. The individual occupying the position is designated as full-time or part-time. Corresponding employment contracts may be renewed or non-renewed annually. All notices for non-renewal of Regular Based-Funded

Appointments shall be issued in accordance with the provisions of 8.5.8.3.

**8.5.3.4.1.2 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 contracts/letters indicate specific starting and ending dates. The individual occupying the position is designated as full-time or part-time.

Employees hired into Regular Funds-Available positions are not eligible to be treated according to the provisions of 8.5.8.3 and 8.5.8.4. Contracts for Regular Funds-Available appointments shall include a statement of these facts.

**8.5.3.4.2 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. Employment contracts 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 Department of Human Resources Development and Labor Relations and the Director of Affirmative Action may grant time extensions, if the extension relates directly to the original project.

Temporary Professional Staff members are not subject to the provisions of sections 8.5.8.3 and 8.5.8.4. Contracts for temporary positions shall include a statement of these facts.

**8.5.3.5 Job Titles and Descriptions.** Job titles and descriptions provide functional meaning and organizational consistency throughout the University.

Every full- and part-time Professional Staff position must have a written job description appropriate to the position and title that will be provided to the employee at the time of the initial appointment and will be reviewed annually at the unit level according to established performance evaluation procedures

as outlined in section 8.5.4 below. The employee, immediate supervisor and unit administrator must review the job description annually. The job description will 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 the Director of Compensation.

**8.5.3.6 Personnel Files and Contents.** The official personnel file is maintained in the Department of Human Resources Development and Labor Relations. The official personnel file for each employee will contain the following, if available:

- A . Letter of Application and all materials requested or received by the University from persons other than the applicant in connection with the employee's original employment, including official academic transcripts;
- Offer of Appointment and initial date of employment; employee's contract(s); and letters of continuation;
- Job description(s);
- Documents relating to position classification, grade, and length of time in position;
- Documents pertaining to reclassifications or transfers;
- Documents pertaining to salary recommendations;
- Documents pertaining to the employee's professional activities and accomplishments;
- Performance evaluations and reviews;
- Disciplinary actions and information pertaining to disciplinary actions;
- Information pertaining to extended leaves; and,
- Information pertaining to separation from employment.

All personnel files in the University are public information. The Professional Staff member, the staff member's supervisor, University Legal Counsel, Affirmative Action and University Police may view the personnel file without written request. However, access to other employees or the public will be provided only upon written request to Human Resources. The Professional Staff

member whose file is being viewed will be notified of the request in writing.

Other personnel related files containing benefits information, workers' compensation, medical, FMLA, or ADA information will not be maintained in the official personnel files and will not be available for public inspection.

**8.5.3.7 Joint Appointments.** Persons with appropriate qualifications may be given a joint appointment to the faculty and the Professional Staff. In such cases, appointment procedures for both faculty appointment and Professional Staff appointment must be followed. Upon appointment, such persons will enjoy the procedural rights of the Professional Staff as to their Professional Staff employment so long as their contract for executive, professional, or administrative work is in effect.

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

Adoption of these Professional Staff Policies shall not divest a person of any tenured faculty status acquired prior to adoption.

**8.5.3.8 Nepotism .** The appointment, classification and promotion of all Professional Staff employees shall be 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 re-emphasize 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.

The University, either 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 recommend merit increases for the other.

## 8.5.4 Annual Performance Evaluations [\[Back to the top\]](#)

**8.5.4.1 General.** For full- and part-time employees the unit administrator will use written performance evaluation as the basis for personnel decisions such as merit increase in salary or re-appointment. The performance of assigned duties shall be reviewed and signed each year by the staff member's immediate supervisor and the administrator to whom the supervisor reports.

The Department of Human Resources Development and Labor Relations is responsible for the development, approval and provision of guidelines and forms as well as training for the evaluation process. Detailed guidelines regarding the Performance Appraisal process can be found by referencing the Cleveland State University Performance Management System Supervisor's Guide. The evaluation should result in a statement applicable to continuation. Written performance evaluations should be based on the written job description and should:

- A. Document job performance during the evaluation period;
- B. Recognize relevant achievements, strengths and capabilities;
- C. Identify weaknesses that should be addressed during the next evaluation period;
- D. Articulate the types of contributions that will lead to greater professional growth, recognition and rewards;
- E. Specify future objectives and expectations; and,
- F. Include optional employee comments.

### 8.5.4.2 Responsibilities .

**8.5.4.2.1 Annual Review.** The annual performance review will be completed prior to March 1st for the previous year (January 1 - December 31). Special provisions will be made for Professional Staff members who have been employed for less than one year at the time of annual review. Evaluators are responsible for monitoring performance throughout the year, especially for new employees.

**8.5.4.2.2 Implementation.** The unit administrator is responsible for implementing the annual performance review process in conjunction with the guidelines and policies established in The Cleveland State University Performance Management System Supervisor's Guide and for maintaining proper files.

**8.5.4.3 Appeal of Performance Evaluation Statements** . A Professional Staff member who disagrees with the outcome of the performance evaluation may appeal, in writing, to the next administrative level above the primary evaluator. The appeal must be made within fifteen (15) working days after receipt of the written evaluation, and the administrator who receives the appeal must complete the review. The Professional Staff member may request, in writing, a meeting with the administrator who will complete the review within 15 working days after the appeal is received. The Professional Staff employee may ask that documentation from the appeal become part of the permanent record of the performance evaluation.

For additional guidance, refer to Appendix section, "Professional Staff Performance Appraisal Guidelines".

### **8.5.5 Job Classifications and Salary Adjustments** [\[Back to the top\]](#)

Job classifications and salary adjustments are administered in accordance with the Cleveland State University Staff Compensation Program Manual, a copy of which may be obtained from the Department of Human Resources Development and Labor Relations or may be viewed at [www.csuohio.edu/HRD](http://www.csuohio.edu/HRD).

### **8.5.6 Placement on Administrative Leave** [\[Back to the top\]](#)

A Professional Staff employee may be placed on administrative leave with pay pending a hearing when the President of the University, or designee determines that the continued presence of the employee on the campus constitutes a substantial interference with the orderly functioning of the University or of an area, unit, department or college of the University.

### **8.5.7 Progressive Corrective Action** [\[Back to the top\]](#)

The purpose of progressive corrective action is to impress upon the employee the need to improve behavior or performance, when necessary. Progressive corrective action is not required but, to the extent practicable and appropriate, it is encouraged. Progressive corrective action may include oral and written warnings or letters of reprimand. Nothing herein shall limit 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.

### **8.5.8 Termination of Employment** [\[Back to the top\]](#)

The employment of a Professional Staff employee may terminate through resignation, retirement, non-renewal, layoff, or dismissal for just cause.

**8.5.8.1 Resignation** . Professional Staff 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 (30) days, or less if mutually agreed upon by the supervisor and the employee, before voluntary termination of service.

**8.5.8.2 Retirement** . There is no mandatory age for retirement. A Professional Staff member planning to retire should give written notice of intent to his/her immediate supervisor at the earliest date possible, but not less than thirty (30) days before termination of service.

**8.5.8.3 Non-Renewal** . Procedures for Initiation and Notification for Non-Renewal of Regular Base-Funded Appointments.

**8.5.8.3.1** Employees hired into Funds-Available and Temporary positions are not eligible to be treated according to the provisions of this Section 8.5.8.3.

**8.5.8.3.2** Recommendation for non-renewal of a Regular Base-Funded appointment of a full- or part-time Professional Staff member can be initiated by any of the staff member's supervisors or superiors.

**8.5.8.3.3** Recommendations for non-renewal will be made to the President and will be accompanied by documentation of support or lack of support from the appropriate administrative officers.

**8.5.8.3.4** Such recommendations will be sent to the President on or before the following dates:

- A. March 1 for a Professional staff member holding a first contract of professional service at the University for non-renewal of the contract.
- B. January 1 for a Professional Staff member holding a second or subsequent contract of professional service at the University for non-renewal of the contract.
- C. By December 1 for an intercollegiate coach holding a coaching season contract for the fall season.
- D. By April 1 for an intercollegiate coach holding a coaching season contract for the winter season.
- E. By June 1 for an intercollegiate coach holding a coaching season contract for the spring season.

**8.5.8.3.5** If the President concurs with the recommendation(s) of non-renewal, the President shall direct that a notice of non-renewal 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 within one month of the dates above (by April 1, February 1). It is the Professional Staff member's responsibility to regularly update the University with address change information.

**8.5.8.3.6** The Professional Staff member holding a second or subsequent contract of professional service at the University is entitled to be apprised of the reasons for non-renewal and may request a review of the decision through the grievance procedures as provided in section 8.5.9.

**8.5.8.3.7** If a notice of non-renewal is not sent by the dates provided in section 8.5.8.3.5 above, the Professional Staff member shall receive an additional contract of at least six months duration except as otherwise provided by sections 8.5.8.4 and 8.5.8.5 or Ohio law.

**8.5.8.4 Layoff.** Termination of Professional Staff employees prior to, during, or at the end of an appointment period may occur because of a financial emergency or because of reorganization. Such a termination of appointment shall be designated a layoff.

**8.5.8.4.1 Layoff Due To Financial Emergency.** Layoff of a Professional Staff employee may occur when deemed necessary by the President due to a financial emergency as declared by the Board of Trustees. Upon occurrence of the layoff, the individual's personnel file shall designate that the layoff was due to financial emergency.

**8.5.8.4.2 Layoff Due To Reorganization.** Layoff of Professional Staff employees at the University may occur when a reorganization is deemed necessary due to a budget or program decision requiring program discontinuance, curtailment, or redirection, and when such a reorganization plan is approved by the President. Upon occurrence of the layoff, the individual's personnel file shall designate that the layoff was due to reorganization.

**8.5.8.4.3** A Professional Staff employee 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 Vice President for Human Resources Development and Labor Relations. If the release is initiated at the Vice President or the Provost level, all appropriate documents shall be forwarded to the President for approval to proceed. The individual shall be notified in writing of the decision to effectuate his or her release. Such notice shall be provided as far in advance of the release date as possible.
- B. The Department of Human Resources Development and Labor Relations shall make a reasonable effort to secure alternative appointments within the University in open positions for which the affected individual is qualified under existing criteria.
- C. If, within a period of eighteen months from the date of the layoff of a Professional Staff employee, the President determines that the Professional Staff employee's position should be reopened, then re-appointment shall first be offered to the laid off employee. The offer shall be sent to the last known mailing address of the employee and he or she shall have a reasonable time, not to exceed fifteen (15) days, within which to accept or decline the offer of re-appointment.
- D. The individual being laid off shall be entitled to a hearing in accordance with the procedures provided in section 8.5.9, Grievance Procedures. Such a hearing may occur subsequent to layoff, if emergency circumstances preclude a prior hearing.

**8.5.8.5 Dismissal .**

**8.5.8.5.1 Dismissal for Just Cause.** Professional Staff may be dismissed for just cause. Just cause shall include, but not be limited to, Items A-J below:

- A. Unsatisfactory performance or neglect of assigned duties and responsibilities.
- B. Violation of recognized standards of professional conduct and performance.
- C. Personal conduct that impairs the individual's proper fulfillment of assigned duties and responsibilities.

Personal conduct that violates state or federal law, including but not limited to drug and alcohol abuse, trafficking in illegal drugs, sexual, ethnic, racial or religious harassment or any other harassment prohibited by law.

Personal conduct that impairs the employer's pursuit of its goals or mission.

Interfering with the normal operations of the University.

Conviction of a crime of violence as defined in Division (I)(1) of Section 2901.01 of the Ohio Revised Code, or a substantially equivalent offense under municipal ordinance, which is committed on or affects persons or property on the University's campus, or any other crime that adversely affects performance of job duties and responsibilities.

Concealing, falsifying, altering, misusing or removing records, including electronic data records.

Engaging in a demonstration or protest on University property in violation of law or of the University's Policy on Demonstrations.

Fraudulent credentials.

**8.5.8.5.2 Recommendations for dismissal for causes listed in Section 8.5.8.5.1 shall be sent by the unit head to the appropriate Vice**

President or the Provost with the appropriate documentation attached. 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 Office of the Vice President for Human Resources Development and Labor Relations. If the dismissal is initiated at the Vice President or the Provost level, all appropriate documents shall be forwarded to the President with a copy to the Vice President for Human Resources Development and Labor Relations for approval to proceed.

**8.5.8.5.3** Procedures for Initiation and Notification of Dismissal of Professional Staff Employees. If the President accepts the recommendation for dismissal, written notification of dismissal must be sent by the President to the Professional Staff member by registered and regular mail. Dismissal shall not occur until the Professional Staff employee has been given ten (10) working days' notice to request an appeal hearing by the President or assigned designee.

## 8.5.9 Grievance Procedures [\[Back to the top\]](#)

It is mutually understood that the prompt presentation, adjustment and/or answering of grievances is desirable in the interest of sound relations between employees and the University. The prompt and fair disposition of grievances involves the important and equal obligations and responsibilities, both joint and independent, on the part of both the University and the grievant to protect and preserve the Grievance Procedure as an orderly means of resolving grievances.

If a complaint involves alleged discrimination or harassment based on the Professional Staff member's race, sex, religion, disability age, national origin, sexual orientation, or Vietnam era veteran status, then the Professional Staff member shall discuss such complaint with the Affirmative Action Director as a means of achieving an informal resolution of the complaint. If informal resolution is not possible, the individual alleging discrimination or harassment may file a formal written complaint with the Affirmative Action Office. The Affirmative Action Office will then conduct a thorough investigation and discuss its findings, conclusions, and proposed action with the complainant, forwarding a copy of the findings, conclusions, and proposed action to the President. If the complainant is not satisfied with the resolution by the Affirmative Action Office, he or she may seek relief through direct appeal to the President within ten (10) days of the receipt by the complainant of the findings, conclusions, and proposed actions of the Affirmative Action Office.

When other types of 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.

**8.5.9.1 Dismissals as described in Section 8.5.8.5 of these policies are not subject to the provisions of this Section.** A dismissal hearing may be requested in accordance with Section 8.5.8.5.3 of these policies.

**8.5.9.2. Classification determinations by the Director of Compensation are not subject to the provisions of this Section.** For classification appeals, Professional Staff members may utilize the appeal process set forth in the Professional Staff Compensation Program Manual.

**8.5.9.3 Procedures .** The following procedures should be followed:

**8.5.9.3.1** A grievance, under this procedure, may be brought by any Professional Staff employee.

**8.5.9.3.2** A grievance is a dispute or difference between the Professional Staff employee and the University concerning the hours and working conditions set forth in these policies and the interpretation and/or application and/or compliance with any provision of these

policies, including their administration, process, and any associated actions.

**8.5.9.3.3 Grievance Steps and Process.** No parties may have legal representation present at any step in the grievance process. When grievances arise, the following procedure shall be observed.

**Step 1** A written grievance must be filed with the employee's immediate supervisor within twenty (20) working days of the event upon which the grievance is based. Within ten (10) working days after the filing of the grievance, a meeting will be scheduled between the supervisor and the aggrieved employee. The employee may invite a support person of his/her choice to attend the meeting. Following the meeting, the supervisor shall issue a written answer to the grievance within ten (10) working days.

**Step 2** If the grievance is not satisfactorily settled in Step 1, the employee may appeal the Step 1 answer to the supervisor's immediate supervisor within ten (10) working days after receipt of the Step 1 response. Such appeal shall be in writing with a copy to the Office of the Vice President for Human Resources Development and Labor Relations. The supervisor's immediate superior shall schedule a grievance meeting with the employee within ten (10) working days. The employee may invite a support person of his/her choice to attend the meeting. Following the meeting, the supervisor's immediate superior shall issue a written answer to the grievance within ten (10) working days.

**Step 3** If the grievance is not satisfactorily settled in Step 2, the aggrieved Professional Staff employee may file an appeal with the Vice President for Human Resources Development and Labor Relations within ten (10) working days after the receipt of the Step 2 decision. The appeal must be in writing. The Vice President for Human Resources Development and Labor Relations will schedule a grievance meeting with the supervisor and aggrieved employee as outlined above within ten (10) working days after the receipt of the appeal and will render a written decision within ten (10) working days after the close of the meeting. The employee may invite a support person of his/her choice to attend the meeting. A copy of the written decision will be sent to the grievant.

**8.5.10 Leaves of Absence With Pay** [\[Back to the top\]](#)

**8.5.10.1 Vacation Leave .** Professional Staff with full-time calendar year appointments will earn vacation leave at the rate of 1.83 days per month of full-time service or a total of twenty-two (22) workdays per year. Professional Staff with full-time academic year appointments will earn vacation on a pro-rated basis. Professional Staff appointed at less than one-half time will not earn vacation leave. Professional Staff appointed to a part-time position of one-half time or more will earn vacation leave on a prorated basis.

**8.5.10.1.1 Vacation Requests.** Vacation leave shall be available to the employee to the extent earned provided that the employee's supervisor or unit head approves the dates for such leave in advance.

**8.5.10.1.2 Annual Carryover Limit.** Staff members are expected to use accrued vacation leave periodically. Vacation leave accumulation may not exceed 44 days at any time within a fiscal year. On June 30<sup>th</sup> of each year, no more than 30 days may be carried forward to the next fiscal year. The Vice President for Human Resources Development and Labor Relations 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.

**8.5.10.1.3 Payout Upon Termination.** At termination of employment, payments for unused vacation leave to a maximum of twenty-two (22) days shall be made.

**8.5.10.1.4 Reporting Procedures.** The University has established a time reporting procedure administered by the Payroll Office for the purpose of recording the use of vacation leave.

**8.5.10.2 Holidays** . The University recognizes the following ten days as paid holidays.

New Year's Day  
Martin Luther King Day  
Presidents' Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans' Day  
Thanksgiving Day  
Christmas Day

**8.5.10.2.1 Alternative Scheduling.** The administration may establish alternative days of observance for the following holidays.

Martin Luther King Day  
Presidents' Day  
Columbus Day  
Veterans' Day

**8.5.10.2.2 Holiday Payment for Part-Time Employees.** Part-time Professional Staff employees 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.

**8.5.10.2.3 Holiday Payment for Alternate Work Schedules.** If a full-time Professional Staff employee's work schedule is other than Monday through Friday, the employee 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.

**8.5.10.3 Hours of Work** : Full-time Professional Staff members are employed by contract at an annual salary to carry out an assignment. The full-time job assignment normally requires forty hours per week, assigned according to the needs of the department and the job description. Salaried Professional Staff members may be expected or assigned to work more than forty (40) 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.

**8.5.10.4 Sick Leave** . Sick leave with pay is a benefit available during absence due to routine medical care, illness, injury, or death of a member of the immediate family, including a same-sex domestic partner or dependent of a same-sex domestic partner registered with the Department of Human Resources Development and Labor Relations according to the University's policy, or to cover a period of quarantine required by exposure to a contagious disease.

**8.5.10.4.1 Bereavement Leave** . Up to five (5) days of accumulated sick leave may be used for bereavement in the event of the death of a member of the immediate family including a same-sex domestic partner or dependent of a same-sex domestic partner registered with the Department of Human Resources Development and Labor Relations according to the University's policy.

**8.5.10.4.2 Guidelines** . The guidelines for normal availability and use of sick leave benefits are:

**A. Accumulation.** Sick leave credit will accumulate at the rate of 1.25 days (ten hours) for each month of service, without limit, and 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 percent of time or hours worked.

**B. Approval of Sick Leave Requests.** For planned absences, the staff member must notify the appropriate supervisor and gain approval. For unplanned absences, sick leave may be taken with the approval of the department chairperson or supervisor, by notifying the office of the chairperson or 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 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 of sick leave credits to the University in writing.

**D. Requests for Unpaid Absence.** If the absence due to sickness extends beyond accumulated sick leave, the staff member may request vacation and/or leave without compensation (See Section 8.5.11.2).

**E. Disability.** If the disability due to sickness extends beyond three months, the staff member may apply for disability benefits.

**F. Payout Upon Retirement or Disability.** Professional Staff members who, at the time of disability retirement 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 240 hours based on their rate of compensation at the time of retirement.

**G. 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 240 hours based on the employee's rate of compensation at the time of death.

**H. Maximum Payout and Cancellation of Credit.** Payment for sick leave under this policy eliminates all sick leave credit of the employee at the time of retirement, disability or death. Payment will be made only once to any employee. The maximum sick leave payout upon retirement, disability or death shall be 240 hours.

**8.5.10.4.3 Reporting Procedures.** The University shall be responsible for establishing a procedure for the recording of sick leave and reporting of sick leave use to the Payroll Office.

**8.5.10.5 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 31 days per calendar year. Staff members may receive pay for no more than 176 hours of military reserve duty leave in a calendar year.

**8.5.10.6 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 shall be subject to the limitations thereon specified in section 8.5.14.

### **8.5.11 Leaves Without Pay** [\[Back to the top\]](#)

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 FMLA 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.

**8.5.11.1 Family and Medical Leave.** The University shall meet and comply with the requirements of the Family and Medical Leave Act of 1993 (FMLA) and associated regulations. A copy of the University's FMLA policy is located in the Appendix to these policies. The University retains the right to implement regulations and/or technical corrections as necessary.

**8.5.11.2 Extended Leave of Absence for Personal or Family Illness, Disability, or Child Care After Birth or Placement for Adoption.** Additional unpaid leaves of absence for personal or family medical reasons, for disability, or for child care after birth or placement for adoption are granted at the discretion of the Vice President of the Department of Human Resources Development and Labor Relations, or designee. Applications for leave must be submitted and approved by the employee's supervisor, unit head, and Vice President or Provost prior to being submitted to the Department of Human Resources Development and Labor Relations. The duration of the leave may not exceed six (6) months.

**8.5.11.3 Military Service Leave.** Military reserve duty that extends beyond a total of 176 hours per calendar year must be taken as unpaid leave. In this regard, the University follows an established written policy, which complies with Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Ohio Revised Code (ORC).

**8.5.11.4 Special Leave .** Leave without pay may be granted in extraordinary circumstances for study, research, professional employment, election or appointment to public office or for other personal or professional reasons subject to appropriate approvals as noted in section 8.5.11.3.1.

**8.5.11.4.1 Application Procedures for Special Leaves.** The Board of Trustees upon recommendation of the President grants all special leaves without pay. Applications for such leaves must be submitted and approved by the supervisor, unit head, and Vice President or Provost prior to being submitted to the President. Requests for non-emergency leave must be submitted through appropriate channels prior to transmittal to the President allowing sufficient time for approval.

## **8.5.12 Student Fee Authorization Program** [\[Back to the top\]](#)

The Student Fee Authorization Program at Cleveland State University is an educational assistance program for spouses and eligible children of qualifying full-time employees.

**8.5.12.1 Employee Eligibility .** Qualifying employees include those with two or more years of continuous full-time service to Cleveland State University.

**8.5.12.2 Benefit.** A fee remission will be provided for the in-state portion of full instructional and general fees charged for enrollment in credit courses by undergraduate students and for half of the in-state portion of total instructional and general fees charged for enrollment in credit courses by graduate and professional school students. An eligible spouse or child may participate in the program for no more than a total of 144 semester credit hours or two academic degrees, whichever is less. The Fee Authorization Program may not be used for Continuing Education, Executive MBA, or Accelerated MBA Programs.

**8.5.12.3 Spouse and Dependent Eligibility .** Eligible dependents include the spouse of a qualifying employee or his/her financially dependent children. A financially dependent child is one who currently meets the Internal Revenue Service dependency definition and is being claimed as a dependent on the qualifying employee's federal income tax return for the current year.

**8.5.12.4 Spouse and Dependent Eligibility Upon Employee's Death .** In the event of a qualifying employee's death, eligibility will be continued for a spouse and/or children regardless of their registration status at the time.

**8.5.12.5 Spouse and Dependent Eligibility Upon Employee's Retirement or Disability.** With ten (10) years of service to the University, in the event of a qualifying employee's retirement or total disability

under Public Employees Retirement System (PERS), State Teachers Retirement System (STRS), or Social Security, eligibility will be continued for a spouse and/or children regardless of their registration status at the time.

Complete program details and applications may be obtained from the Department of Human Resources Development and Labor Relations.

### **8.5.13 Staff Development Program** [\[Back to the top\]](#)

The Staff Development Program at Cleveland State University is an educational assistance program for full-time and part-time employees.

**8.5.13.1 Benefit.** The University will cover the in-state portion of all instructional and general fees up to six (6) credit hours of undergraduate or graduate courses per semester or for continuing education courses up to the equivalent cost of six (6) undergraduate credit hours per semester. The Executive MBA and Accelerated MBA programs are excluded.

**8.5.13.2 Full-Time Employee.** For purposes of this section a full-time employee is defined as an employee with an appointment of six (6) months or longer in a permanent or funds available position who is regularly scheduled to work forty (40) hours per week.

**8.5.13.3 Part-Time Employee.** For purposes of this section a part-time employee is defined as an employee with an appointment of six (6) months or longer in a permanent or funds available position who regularly works twenty (20) or more hours per week but less than forty (40) hours per week.

Complete program details and applications may be obtained from the Department of Human Resources Development and Labor Relations.

## **8.5.14 Consulting and Extramural Employment** [\[Back to the top\]](#)

- 8.5.14.1 Request for Approval.** The University recognizes the value for its personnel, for the University, and for the community of many types of consulting and other external employment experiences that enhance the professional competency of the individual and bring credit, not only to the employee, but to the University as well. Therefore, with appropriate approval, activities are permitted that may render valuable service to business, industry and professional groups, and local, state, and federal government.
- 8.5.14.2 Written Permission .** Professional Staff members who render professional counsel or services that will fulfill 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 supervisor and of the appropriate Vice President or the Provost.
- 8.5.14.3 Conflict with University Responsibilities.** No Professional Staff member shall be permitted to undertake any extramural employment during scheduled hours of employment or any employment that will interfere with the reasonable demands of his/her job at the University without prior supervisory approval.
- 8.5.14.4 Use of University Resources.** In no event 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.

## **8.5.15 Candidacy for Public Office** [\[Back to the top\]](#)

A Professional Staff member may run for or accept public office under the following conditions:

- 8.5.15.1 Notice Requirement .** The staff member shall in all cases submit a full statement of any proposed campaign activities and of the responsibilities of the office, which may be assumed.
- 8.5.15.2 Employment Status.** When, in the judgment of the University, those activities and responsibilities will conflict with the professional obligations of the employee, a written application for reduced levels of employment and compensation, or for special leave without pay, shall be submitted to the Vice President or Provost at such a date that it will come before the

Board of Trustees for its consideration at least 90 days before the assumption of said activities or responsibilities.

**8.5.15.3 Application for Leave.** Submission of statements and applications shall be according to procedures set forth in section 8.5.11.3.

**8.5.16 Conflict of Interest** [\[Back to the top\]](#)

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

**8.5.17 Ohio Law** [\[Back to the top\]](#)

All Professional Staff should be aware that the laws of the State of Ohio govern their conduct as it relates 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 Ohio Revised Code, copies of which are attached.

**8.5.18 Associate of the University Status** [\[Back to the top\]](#)

**8.5.18.1 Qualifications .** Appointment to Associate of the University status may be granted to distinguished retiring Professional Staff employees, 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.

**8.5.18.2 Procedures for Appointment/Nomination.** Any member of the University community may make nominations/applications. Appointment is contingent upon the following criteria:

- A. Ten or more years of full-time service to Cleveland State University;
- B. Submission of credentials and major professional accomplishments at Cleveland State University that represent distinguished service to the University;
- C. Favorable recommendations of the staff member's supervisor.

Nominations/applications are submitted to the University's Vice President for Human Resources Development and Labor Relations. The Vice President may request additional supporting materials and information.

If the Vice President for Human Resources Development and Labor Relations concurs that Associate of the University status be granted, the Vice President shall forward the recommendation to the President, who shall recommend to the Board of Trustees all nominees whom the President deems acceptable.

**8.5.18.3 Privileges** . Associates of the University shall be issued a current identification card and shall be entitled to listings in the Cleveland State University Bulletin and telephone directory, mailings of appropriate materials, use of such University facilities as the gym and library, University e-mail account, internet access and such other privileges as the President may designate.

### **8.5.19 Recommendations to Prospective Employers** [\[Back to the top\]](#)

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 Vice President for Human Resources Development and Labor Relations or designee are authorized to respond to such requests.

### **8.5.20 Severability** [\[Back to the top\]](#)

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

### **8.5.21 Review of Personnel Policies** [\[Back to the top\]](#)

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 Vice President for Human Resources Development and Labor Relations for review and possible action.

The Vice President for Human Resources Development and Labor Relations may direct that an overall review of these Personnel Policies be undertaken periodically, but at least every five years.

## APPENDICES

Additional Cleveland State University Policies and Information are included below for your convenience; however, they are not part of the "Professional Staff Personnel Policies"

Affirmative Action and Equal Employment Opportunity Statement

American With Disabilities Act Statement

Sexual Harassment Policy Statement

Your Rights Under the Family and Medical Leave Act (FMLA)

Family and Medical Leave Act Policy

Ohio Revised Code: Student or Staff Members Arrested for Certain Offenses

Drug Free Workplace Policy

Ohio Code of Ethics Law

Guidelines on Use of University Computing Facilities

Smoke Free Environment Policy

Professional Staff Performance Appraisal Guidelines

Summary of Other Employee Benefits

## **AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY**

CSU is an Affirmative Action/Equal Opportunity institution. No person will be denied opportunity for employment or education or be subject to discrimination in any project, program or activity because of race, color, religion, sex, sexual orientation, national origin, age, handicap or disability, disabled veteran or Vietnam era veteran status.

The University's Affirmative Action policy authorizes the Affirmative Action Director to coordinate efforts to achieve compliance with University equal opportunity policy, with federal and state legislation, and to assist employees in preparing complaints should they experience illegal discrimination or sexual harassment. Further information may be obtained from the Affirmative Action Office at (216) 687-2223. [\[Back to the top\]](#)

## **AMERICANS WITH DISABILITIES ACT**

University facilities afford access to employees, students and members of the public who have disabilities. Employees who wish to report difficulties with access to facilities should contact the Affirmative Action Office at (216) 687-2223 or the Services for Persons with Disabilities Coordinator at (216) 687-2015.

The Americans with Disabilities Act (ADA) protects individuals who have a disability, which interferes with a major life activity (seeing, hearing, walking, talking, working, etc.). Employees who are covered by the ADA may be granted an accommodation, which allows them to perform the essential functions of their positions. Employees who believe that they qualify for protection under ADA and who wish to request an accommodation are urged to contact their supervisor, the Department of Human Resources Development and Labor Relations, the Affirmative Action Director, or the Coordinator of Services for Persons with Disabilities. The request for accommodation will be reviewed and taken under consideration by the University ADA Accommodations Committee. [\[Back to the top\]](#)

## SEXUAL HARASSMENT POLICY STATEMENT

Sexual harassment is a form of discrimination that is both reprehensible and unlawful. Sexual harassment is contrary to the most fundamental ethical canons of the academic community. Sexual harassment violates the special bond of intellectual dependence and trust between students and faculty. It exploits unfairly the powers inherent in the relationship between supervisor and subordinate or teacher and student, and it can occur between persons of the same university status. Whenever and wherever sexual harassment occurs, it undermines the entire collegial process of recruitment, appointment and advancement at the institution.

It is the policy of Cleveland State University that no member of the University community shall engage in sexual harassment. The University will not tolerate sexual harassment because it creates an unacceptable or injurious working or educational environment. Members of the University community who believe that they have been sexually harassed should seek resolution of the problem through the University's informal and formal grievance procedures.

### Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment or participation in any University activity;

- Submission to or rejection of such conduct by an individual is used as a basis for evaluation in making decisions affecting instruction, employment or other university activity;

- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creates an intimidating, hostile or offensive University environment.

Additional information may be obtained from the Affirmative Action Office, the Office of Minority Affairs, the Department of Human Resources Development and Labor Relations, the Department of Student Life and the Women's Comprehensive Program.

The University has both formal and informal procedures for the resolution of sexual harassment complaints. The procedures may differ depending upon who the affected individual is: student, faculty or staff.

### Informal Complaints

Any members of the University community who believe they have been sexually harassed by another member of the University community may seek informal resolution through the Affirmative Action Office. The Director of

Affirmative Action has primary responsibility for the resolution of discrimination complaints of students, faculty and staff. In addition, the University has an Ombudsperson who may be consulted by faculty, staff and students, confidentially, for informal advice and resolution of concerns and complaints.

Faculty members may also pursue an informal complaint through normal academic channels: Chair, Dean and Provost. Other employees may also informally consult their individual supervisors, or other administrators in the organizational supervisory chain. Additionally, the Department of Human Resources Development and Labor Relations will consult with concerned employees, as will the University Counseling Center and Employee Assistance Plan. Students may also consult with faculty, faculty administrators, or counselors and advisors in the Department of Student Life. Other avenues for informal evaluation of complaints include the Women's Comprehensive Programs, and The Presidential Committee on the Role and Status of Women on Campus.

#### **Formal Complaints and Grievances**

If informal resolution is not possible, the individual alleging sexual harassment (whether a student, faculty or staff) may file a formal written complaint with the Affirmative Action Office. The Affirmative Action Office will then conduct a thorough investigation and discuss its findings, conclusions and proposed action with the complainant. If necessary, the Affirmative Action Office may take appropriate action against the harasser at this point. If the complainant is not satisfied with the resolution by the Affirmative Action Office, he or she may seek relief through several internal formal grievance procedures.

Faculty may seek relief through the Equal Opportunity Grievance Procedures, adopted by the Faculty Senate and the Board of Trustees in 1979. See Section 8.1.16 of the Faculty Personnel Policies and Bylaws. Professional Staff members may appeal directly to the President, as provided in Section 8.5.9 of the Professional Staff Policies. Bargaining unit professional employees may seek relief under Article III, Section 6 of the collective bargaining agreement between Cleveland State University and Service Employees International Union, District 1199 WV/KY/OH, AFL-CIO. Classified civil service employees may use the employee grievance procedures set forth in Section 6.2 of CSU and You. If the complainant is a student, the case is submitted by the Affirmative Action Office to the Student Grievance Board. [[Back to the top](#)]

### **YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA)**

Family and Medical Leave Act (FMLA) requires Cleveland State University to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain medical reasons. Employees are eligible if they have worked for CSU for at least one year and have completed 1,250 hours of work over the previous 12 months.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child or the employee's registered same-sex domestic partner's\* child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, registered same-sex domestic partner\*, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Certain kinds of paid leave must be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee is required to provide advance leave notice and medical certification.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable".
- CSU will require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at CSU's expense) and fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, CSU must maintain the employee's health coverage under any "group health plan" and the employee must continue the employee's contribution, if any.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in loss of any employment benefit that accrued prior to the start of an employee's leave.

UNLAWFUL ACT BY CSU: FMLA makes it unlawful for CSU to:

interfere with, restrain, or deny the exercise of any right provided under FMLA.  
discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.  
An eligible employee may bring a civil right action against CSU for violations.  
FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or Local law or collective bargaining agreement which provides greater family or medical leave rights.

ADDITIONAL INFORMATION: For a complete copy of Cleveland State University's FMLA policy, please contact the Department of Human Resources Development and Labor Relations, FT 210, 687-3636.

You may also contact the nearest office of the Wage and Hour Division listed in most telephone directories under U.S. Government, Department of Labor.

❖ *A Same-Sex Domestic Partner is considered "Registered" upon completion and filing with the Department of Human Resources Development and Labor Relations, an "Affidavit of Domestic Partnership".* [[Back to the top](#)]

## CLEVELAND STATE UNIVERSITY FAMILY MEDICAL LEAVE ACT OF 1993 (FMLA) POLICY

ORIGINAL EFFECTIVE DATE: August 5, 1993;  
AMENDED: October 7, 1998 and September 18, 2002

DEFINITIONS: Definitions are found at the end of this policy.

I. An Eligible Employee is entitled to:

A. Twelve (12) weeks of FMLA leave in a twelve (12) month period under certain circumstances. Except to the extent that accrued vacation or sick time must be used as described herein, or the employee elects to use compensatory time, the FMLA leave is unpaid. During unpaid FMLA leave, the University will not contribute to retirement plans. While full-time Eligible Employees are entitled to twelve workweeks of FMLA leave (60 days), part-time Eligible Employees are entitled to a prorated number of days equal to their part-time schedule, e.g., an Eligible Employee who works 3 days/week is entitled to 36 FMLA leave days. Unused FMLA leave cannot be carried over from year to year.

The twelve (12) month period of FMLA leave is considered a "rolling year" in which the effective date of the leave triggers the beginning of the 12-month period. For instance, if an Eligible Employee takes 12 weeks of leave beginning on March 1, more FMLA leave would be available beginning the following March 1.

B. Take the FMLA leave all at once, or, if medically necessary, intermittently or on a reduced schedule. FMLA leaves described below in C. 1. and C. 2. shall not be taken by an Eligible Employee intermittently or on a reduced leave schedule without the written consent of the Department Head or Dean, and Vice President or Provost.

C. FMLA leave due to the following:

1. Birth of a son or daughter of the Eligible Employee or the Eligible Employee's Registered Same-Sex Domestic Partner\* and to care for the son or daughter, including the son or daughter of their registered Same-Sex Domestic Partner (Parental/Child Care Leave). FMLA leave must be taken all at one time and within twelve (12) months of the birth. Medical documentation is required.

An Eligible Employee is required to use all accrued vacation time for all or any part of the twelve-week period of such FMLA leave. Accrued sick leave time may not be used. Compensatory time may be used at the Employee's option.

For FMLA leave due to the medical condition of the mother, see I.C.4, below.

**2.** Placement of a son or daughter with an Eligible Employee or the Eligible Employee's Registered Same-Sex Domestic Partner\* for adoption or foster care (Child Care Leave). FMLA leave must be taken all at one time and within twelve (12) months of the placement. Legal documentation is required.

An Eligible Employee is required to use all accrued vacation time for all or any part of the twelve-week period of such FMLA leave. Accrued sick leave time may not be used. Compensatory time may be used at the Employee's option.

**3.** Care of an Eligible Employee's Spouse, Son, Daughter, Parent or Registered Same-Sex Domestic Partner\*, or the dependent(s) of their domestic partner with a serious health condition (Family Medical Leave). FMLA leave may be taken intermittently or on a reduced schedule only if the schedule is needed for medical reasons. A physician's statement is required and must contain certification of the family member's condition, the necessity of the intermittent or reduced schedule (if applicable), that the Eligible Employee is needed to care for the family member, and an estimate of the amount of FMLA leave time needed. CSU may require, at its own expense, the opinion of a second health care provider, designated or approved by CSU.

An Eligible Employee is required to use all accrued sick and vacation for all or any part of the twelve-week period of such FMLA leave. Compensatory time may be used at the Employee's option.

**4.** A serious health condition that makes the Eligible Employee unable to perform the functions of the position (Medical Leave). FMLA leave may be taken intermittently or on a reduced schedule only if the schedule is needed for medical reasons.

A physician's statement is required and must contain certification of the Eligible Employee's condition, the necessity of the intermittent or reduced schedule (if applicable), the inability of the Eligible Employee to perform the functions of his or her job, and an estimate of the amount of FMLA leave time needed. If the University doubts the validity of the certification, CSU may require, at its own expense, the opinion of a second health care provider, designated or approved by CSU.

An Eligible Employee is required to use all accrued sick and vacation time for all or any part of the twelve-week period of such FMLA leave. Compensatory time may be used at the Employee's option.

*\* A Same-Sex Domestic Partner is considered "Registered" upon completion and filing with the Department of Human Resources Development and Labor Relations, an "Affidavit of Domestic Partnership".*

**II. Resolution of Conflicting Opinions**

In any case in which the second opinion described in Sections I C. 3 and 4 above differs from the original medical certification provided by the Eligible Employee, the University may require, at CSU's expense, that the Eligible Employee obtain a third medical opinion from a physician approved by both the Eligible Employee and CSU. That third opinion shall be final and binding on both the Eligible Employee and the University.

**III. Foreseeable Leave with Timely Notice**

Eligible Employees generally must give at least 30 days notice of intention to take FMLA leave when the precipitating event is foreseeable such as a birth, adoption or planned medical treatment.

Eligible Employees are required to make a reasonable effort to schedule a foreseeable FMLA leave so as not to disrupt unduly the operations of the University.

**IV. Foreseeable Intermittent Leave or Leave on a Reduced Schedule**

If an Eligible Employee requests an intermittent FMLA leave, or a FMLA leave on a reduced schedule under I. C. 3 or 4 above, the University may require the Eligible Employee to transfer temporarily to an available alternative position with equivalent pay and benefits that better accommodates recurring periods of FMLA leave.

**V. Leave for Spouses and Same-Sex Domestic Partners Who Are Both Eligible Employees**

Spouses and Same-Sex Domestic Partners registered with the Department of Human Resources Development and Labor Relations who are both employed by Cleveland State University are eligible for a combined total of 12 workweeks of FMLA leave for birth, placement or to care for a single sick parent, which they can split between them. However, each spouse or same-sex domestic partner is entitled to 12 full workweeks of FMLA leave for his/her own illness or to care for a sick child, spouse or same-sex domestic partner.

**VI. Maintenance of Health Benefits**

The University will continue coverage under the Eligible Employee's group health plan(s) (medical, dental, vision, medical reimbursement account) for the duration of the 12 workweeks at the level and under the conditions

coverage would have been provided if the Eligible Employee had continued in employment continuously during the FMLA leave.

**VII. Payment for Health Benefits**

The Eligible Employee must continue to pay the employee's share of the premium payments. If an Eligible Employee fails to remit his/her share of the premium payments during the FMLA leave period, coverage will be terminated.

See IX. below for Eligible Employee's responsibility for payment of the entire premium for failure to return from FMLA leave.

**VIII. Extending Approved Leave Beyond 12-week FMLA Leave**

Those Eligible Employees whose conditions or obligations persist beyond the 12 week FMLA leave period may continue on approved University leave according to University policy with appropriate medical documentation and approval of the Department Head or Dean and Vice President or Provost's approval. The 12 workweek FMLA leave will be counted toward any total Extended leave which is approved.

**IX. Return from Leave**

An Eligible Employee who takes FMLA leave shall be entitled upon return from such FMLA leave:

1. to be restored to the same position of employment held by the Eligible Employee when the FMLA leave commenced; or,
2. to be restored to an equivalent position with equivalent benefits, pay and other terms and conditions of employment.

If a substitute faculty member(s) needs to be hired to cover an Eligible Employee's classroom responsibilities during the Eligible Employee's FMLA leave it will be within the University's discretion to not return the Eligible Employee to teach course(s) during an academic quarter or semester.

If an Eligible Employee's employment with the University would otherwise have been terminated during the time of a FMLA leave, there is no more entitlement to restoration than if the employee had been working at the time of the termination,

- B.** Eligible Employees will not be entitled to accrual of any employment benefits during the period of FMLA leave.
- C.** If the Eligible Employee fails to return from FMLA leave for reasons other than the ones that prompted the FMLA leave, Cleveland State

University may recover from the Eligible Employee the premiums paid by the University for continuously maintaining group health coverage.

- D. CSU may require certification from a physician that an Eligible Employee on a Medical Leave is able to return to work from such Medical Leave.

## FMLA DEFINITIONS

**A Serious Health Condition** means an illness, injury, impairment, or physical or mental condition that involves one of the following:

### 1. Hospital Care

Inpatient care (e.g. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.

### 2. Absence Plus Treatment

A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

Treatment\* two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or,

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment\*\* under the supervision of the health care provider.

### 3. Pregnancy

Pregnancy is defined as any period of incapacity due to pregnancy, or for prenatal care.

### Chronic Conditions Requiring Treatments.

A chronic condition which:

- (a) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (b) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

- (c) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

#### **5. Permanent/Long-term Conditions Requiring Supervision**

A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

#### **Multiple Treatments and Chronic Conditions**

Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

\* "Treatment" includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

\*\*A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider. [[Back to the top](#)]

**OHIO REVISED CODE**  
**Student or Staff Members Arrested for Certain Offenses**

Section 3345.22 College student or staff member arrested for certain offenses to be afforded a hearing; suspension; appeal.

A student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof arrested for any offense covered by division (D) of section 3345.23 of the Revised Code shall be afforded a hearing, as provided in this section, to determine whether the person shall be immediately suspended from the college or university. The hearing shall be held within not more than five days after the arrest, subject to reasonable continuances for good cause shown, which continuances shall not exceed a total of ten days.

The arresting authority shall immediately notify the president of the college or university of the arrest of a student, faculty or staff member, or employee of such college or university for any offense covered by division(D) of section 3345.23 of the Revised Code, and the president shall immediately notify the chancellor of the Ohio Board of Regents of such arrest. The hearing to determine whether the person shall be immediately suspended shall be held in the county where the college or university is located, before a referee appointed by the Board of Regents. Such referee shall be an attorney admitted to the practice of law in Ohio, but he shall not be attorney for, or a faculty or staff member or employee of, any college or university. Immediate notice of time and place of such hearing shall be given or sent to such person.

The referee may administer oaths, issue subpoenas to compel the attendance of witnesses and the production of evidence, and enforce such subpoenas, as well as preserve the order and decorum of the proceedings over which he presides, by means of contempt proceedings in the court of common pleas as provided by law.

The hearing shall be adversary in nature and shall be conducted fairly and impartially, but the formalities of the criminal process are not required. A person whose suspension is being considered has the right to be represented by counsel, but counsel need not be furnished for him. Such person also has the right to cross-examine witnesses against him to testify, and to present the testimony of witnesses and other evidence in his behalf. In the absence of a waiver of the right against compulsory self-incrimination, the testimony of a person whose suspension is being considered, given at such hearing, shall subsequently be used in any criminal proceeding against him. The referee may require the separation of witnesses, and may bar from the proceedings

any person whose presence is not essential to such proceedings, except that members of the news media shall not be barred from such proceedings.

Upon hearing if the referee finds by a preponderance of the evidence that the person whose suspension is being considered committed any offense covered by division (D) of section 3345.23 of the Revised Code, he shall order the person suspended except that when the good order and discipline of a college or university will not be prejudiced or compromised thereby, the referee may permit the person to return to the college or university on terms of strict disciplinary probation. Subsequent violation of the terms of the probation automatically effects a suspension. A person suspended under this section may be readmitted pursuant to division (A) of section 3345.23 of the Revised Code. A suspension under this section is in effect until the person is acquitted or convicted of the crime for which he was arrested. If convicted, he is dismissed pursuant to section 3345.23 of the Revised Code.

Upon acquittal, or upon any final judicial determination not resulting in conviction of the charges for which a person is suspended pursuant to this section, such suspension automatically terminates, and the person suspended shall be reinstated and the record of the suspension expunged from his college or university record.

An order of a referee pursuant to this section may be appealed on questions of law and fact to the court of common pleas of the county in which the college or university is located, within twenty days after the date of the order. If the court to which such appeal is taken determines that the good order and discipline of a college or university will not be prejudiced thereby, it may permit the person suspended to return to the college or university on terms of strict disciplinary probation.

A person afforded a hearing pursuant to this section who does not appear at the hearing shall be declared suspended by the hearing officer. (1970 H 1219, effective. 9-16-70)

Section 3345.23 dismissal of student or faculty or staff member on conviction of certain offenses.

The conviction of a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, of any offense covered by division (D) of this section, automatically effects his dismissal from such college or university, except as provided in division (E) of this section. A student dismissed pursuant to this section may be readmitted or admitted to any other college or university which receives state funds in support thereof, at the discretion of the Board of Trustees, but

only upon the lapse of one calendar year following his dismissal, and only upon terms of strict disciplinary probation. The contract, if any, of a faculty or staff member or employee dismissed pursuant to this section is terminated

thereby. A faculty or staff member or employee dismissed pursuant to this section may be re-employed by any such college or university, at the discretion of the Board of Trustees, but only upon the lapse of one calendar year following his dismissal.

Upon conviction of a student, faculty or staff member or employee of a college or university which receives state funds in support thereof, of any offense covered by division (D) of this section, the court shall immediately notify the college or University of such conviction. The President, or other administrative official designated by the Board of Trustees, shall immediately notify such person of his dismissal. The notice shall be in writing and shall be mailed by certified mail to the person's address as shown in both the court and the university records. If such person has been suspended pursuant to section 3345.22 of the Revised Code, and not permitted to return to the college or university, the period of his dismissal shall run from the date of such suspension.

No degrees or honors shall be conferred upon, no instructional credit or grades shall be given to, and no student assistance scholarship funds, salaries, or wages shall be paid credited to any student, faculty or staff member, or employee, in respect of the pension pursuant to section 3345.22 of the Revised Code.

Without limiting the grounds for dismissal, suspension or other disciplinary action against a student, faculty or staff member, or employee of a college or university which receives any state funds in support thereof, the commission of an offense OF VIOLENCE AS DEFINED IN Division (I) (1) OF SECTION 2901.01 OF THE REVISED CODE OR A SUBSTANTIALLY EQUIVALENT OFFENSE UNDER MUNICIPAL ORDINANCE, WHICH OFFENSE IS COMMITTED ON OR AFFECTS persons or property on such college or university, or WHICH OFFENSE IS COMMITTED IN THE IMMEDIATE VICINITY OF A COLLEGE OR UNIVERSITY WITH RESPECT TO WHICH an emergency has been declared AND IS IN EFFECT pursuant to section 3345.26 of the Revised Code, is cause for dismissal pursuant to this section or for suspension pursuant to section 3345.22 of the Revised Code. Criminal cases resulting from arrests for offenses covered by division (D) of this section shall take precedence over all civil matters and proceedings and over all other criminal cases.

If a final judicial determination results in an acquittal, or if the conviction is reversed on appeal, he or she shall be reinstated and the college or university

shall expunge the record of his or her dismissal from his or her college or university records, and the dismissal shall be deemed never to have occurred.

Acts of violence referred to in Section D of 3345.23 are listed in the Ohio Revised Code as follows:

- 2903.01 Aggravated Murder
- 2903.02 Murder
- 2903.03 Voluntary Manslaughter
- 2903.04 Involuntary Manslaughter
- 2903.11 Felonious Assault
- 2903.12 Aggravated Assault
- 2903.13 Assault
- 2903.21 Aggravated Menacing
- 2903.22 Menacing
- 2905.01 Kidnapping
- 2905.02 Abducting
- 2905.11 Extortion
- 2907.02 Rape
- 2907.03 Sexual Battery
- 2902.02 Aggravated Arson
- 2909.03 Arson
- 2909.04 Disrupting Public Services
- 2909.05 Vandalism
- 2911.01 Aggravated Robbery
- 2911.02 Robbery
- 2911.11 Aggravated Burglary
- 2911.12 Burglary
- 2917.01 Inciting Violence
- 2917.02 Aggravated Riot
- 2917.03 Riot
- 2917.31 Inducing Pain
- 2921.03 Intimidation
- 2921.34 Escape
- 2923.35 Aiding Escape or Resistance to Authority
- 2923.12 Carrying Concealed Weapon
- 2923.13 Having Weapons While Under Disability

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## DRUG FREE WORKPLACE

Cleveland State University is committed to a campus free of unlawful drug and alcohol use. The unlawful possession, use, distribution, manufacture or dispensation or of providing funding for illicit drugs, controlled substances and alcohol or drug related paraphernalia by students and employees on University property or as part of University activities is prohibited.

The University in accordance with the appropriate University disciplinary procedures will impose sanctions for violations of the above prohibitions. Sanctions for employees may include one or more of the following: an oral or written reprimand from the employee's immediate supervisor or department head, a reduction in pay for a definite or indefinite period of time, suspension with or without pay for a definite or indefinite period of time, participation in and satisfactory completion of a drug and/or alcohol rehabilitation program, restitution or payment for damages to property or termination from employment. In addition to these sanctions, the University in appropriate cases may refer individuals to the appropriate jurisdiction for criminal prosecution.

The IMPACT Employee Assistance Plan (EAP) provides confidential counseling and referral for personal and work-related problems for employees and their household members. [[Back to the top](#)]

## OHIO CODE OF ETHICS LAW

Cleveland State University employees are public employees and as such are subject to the Ohio Ethics Law and related statutes which are found in Chapter 102 and Sections 2921.42, 2921.421, and 2921.43 of the Ohio Revised Code, which can be viewed on the internet at <http://www.ethics.state.oh.us>. As a public employee you are responsible for reading and understanding Ohio's Ethics Law.

8. The "General Prohibition" section of Ohio's Ethics Law is reproduced below. Although not a substitute for the entire text, the "General Prohibition" provides some guidance for public employees. For access to the complete text please visit: <http://www.ethics.state.oh.us>.

9. The Ohio Ethics Commission administers the Ohio Ethics Law. The Ohio Ethics Commission provides free advice and assistance to public officials and employees, and to the public and press, in the state of Ohio. If you have any questions about this information, or about the Ethics Law in general, please contact The Ohio Ethics Commission.

**GENERAL PROHIBITIONS**  
**From The Ohio Ethics Law**

The Ohio Ethics Law contains provisions restricting conflicts of interest that involve nepotism, post-employment, representation, influence peddling, confidentiality, and supplemental compensation. Among other restrictions, the law provides that each public official and employee is prohibited from:

- Authorizing, or using his position to secure authorization of a contract, for himself, a family member, or a business associate;
- Authorizing, or using her position to secure the authorization of, the investment of public funds in any kind of security to benefit herself a family member, or a business associate;
- Receiving any benefit from a contract entered into by his public entity;
- Hiring or securing any contract benefits for her spouse, parents, grandparents, children, grandchildren, or siblings, or any other relatives living with her;
- Soliciting or accepting substantial and improper things of value, including gifts, or travel, meals, and lodging;
- Participating in matters where something of value will result for the public official or employee himself, his family, his business associates, or others with whom the public servant has a close tie that could impair his objectivity;
- Disclosing or using information deemed confidential by law;
- Representing parties, before any public agency, in a matter in which she was involved as a public servant, both during and for one year after leaving public service.

As a public employee, you are responsible for reading and understanding Ohio's Ethics Law. If you have any questions about this information, or about the Ethics Law in general, please contact The Ohio Ethics Commission. [[Back to the top](#)]

**GUIDELINES:  
USE OF UNIVERSITY COMPUTING RESOURCES**

Users of University computing resources, whether on Campus or from remote locations, are required to:

- A. Comply with all federal, Ohio, and other applicable laws; all generally applicable University rules and policies; and all applicable contracts and licenses
- B. Use only those computing resources that they are authorized to use and use them only in the manner and to the extent authorized.
- C. Respect the privacy of other users and their accounts, regardless of whether those accounts are securely protected.
- D. Respect the finite capacity of those resources and limit use so as not to consume an unreasonable amount of resources or to interfere unreasonably with the activity of other users.
- E. Refrain from using those resources for non-University activities.
- F. Refrain from stating or implying that they speak on behalf of the University and from using University trademarks and logos without authorization to do so.

For a complete copy of the University's "Security Policy" or a copy of the University's "Appropriate Use of Computing Resources" Policy (which is presently pending Faculty Senate review) contact Information Services and Technology Services at 687-2181. [[Back to the top](#)]

## **SMOKE FREE ENVIRONMENT POLICY**

In accordance with the University's Smoke Free Environment policy, smoking is prohibited inside all University buildings except for private rooms in campus residential dormitories. The initiative for this policy came from within the CSU community and depends on voluntary compliance and peer pressure for its success. However, all members of the University community and their guests are required to abide by the policy and refrain from smoking inside our buildings and bridges. [\[Back to the top\]](#)

## **PROFESSIONAL STAFF PERFORMANCE APPRAISAL GUIDELINES**

### *Responsibilities of the Evaluator*

- A. Review appropriate materials and solicit supplementary reviews as appropriate.
- B. Complete an approved evaluation form.
- C. Schedule a meeting with the employee at a mutually agreed upon time to update the job description, acknowledge future goals and discuss the evaluation.
- D. Provide a copy of the written evaluation, including any supplementary reviews, to the Professional Staff employee at least 24 hours before conducting a discussion of the evaluation.
- E. Discuss the supervisor's evaluation with the employee and the employee's self-evaluation, discuss differences and agree on the job description and on goals for the next evaluation process. Appropriate time should be accorded to the evaluation process.
- F. Sign the evaluation document verifying that it has been discussed.
- G. Forward the evaluation packet to the unit administrator.

***Responsibilities of the Professional Staff Member***

- A. Write a self-review of performance using the approved form for the evaluation period. Attach supplemental materials as appropriate.
- B. Write an individual goals statement for the next evaluation period.
- C. Meet with the primary evaluator to discuss the evaluation, update the job description, and agree on future goals.
- D. Sign the evaluation document verifying that it has been received and discussed.

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**SUMMARY OF OTHER EMPLOYEE BENEFITS**

**Group Health and Insurance Benefits**

The University offers a comprehensive benefits program to full-time staff with regular appointments that continue for six months or longer. The program includes: health, dental, vision, life and disability insurance. Part-time staff with regular appointments of six months or longer and regularly scheduled to work at least 20 hours per week, but less than 40 hours per week, may purchase HMO health care coverage and life insurance benefits at full cost. Both full-time and part-time employees eligible for benefits may participate in Medical and/or Dependent Care Flexible Spending Accounts and are enrolled in the University's Employee Assistance Plan.

Benefit enrollment forms must be completed and returned to the Department of Human Resources Development and Labor Relations within 31 days of hire or transfer to a benefits-eligible position. Additional information is available from the Department of Human Resources Development and Labor Relations.

**Employee Assistance Plan**

The IMPACT Employee Assistance Plan (EAP) provides confidential counseling and referral for personal and work-related problems for employees and their household members.

**Continuation of Health Care Coverage (Consolidated Omnibus Budget Reconciliation Act, 1986 (COBRA))**

Staff participating in health care benefit plans that leave employment at the University for any reason other than gross misconduct, who change from full-time to part-time status or who go on an unpaid leave of absence (other than FMLA leave) or dependents of employees who cease to be eligible may continue participation in the University's group program under COBRA. Employees may continue the medical, dental, vision, employee

assistance plan or medical reimbursement account in which they were enrolled immediately prior to their change in status.

In the event of loss of coverage due to a divorce, legal separation or a child's loss of status as a dependent under the University health plan, the employee or family member affected must inform the Department of Human Resources Development and Labor Relations within 60 days of the event to preserve his/her rights to COBRA continuation coverage.

#### **Voluntary Tax Deferred 403(b), Annuity and 457 Deferred Compensation Retirement Arrangements**

Tax provisions allow employees of a nonprofit educational institution to voluntarily reduce their salaries before taxes and direct the University to pay the reduction into a qualified retirement contract. Public employees may also participate in the State of Ohio Deferred Compensation Plan. The University neither encourages nor discourages an employee's decision to elect a tax-advantaged retirement savings plan. The University does not offer any endorsements or recommendations about plan providers registered with the University or underlying investments. The representatives of plan providers are not permitted to solicit business during an employee's work schedule. Any appointments to do so are considered personal and should not be held on work time.

#### **College Advantage "529" Savings Plan**

The University facilitates payroll deduction for contributions to the Ohio College Advantage 529 Savings Plan. Contributions to the plan may be used at any college in the country, with tax-free earnings and tax-deductible state contributions for Ohio taxpayers. For more information or to enroll, contact the Ohio Tuition Trust Authority at 1-800-233-6734.

### **Retirement Benefits**

The State of Ohio Public Employees Retirement System (PERS) and the State Teachers' Retirement System (STRS) sponsor retirement programs for University employees. Retirement plan choices may include traditional defined benefit options or defined contribution options, including an Alternative Retirement Plan (ARP). Staff members do not contribute to the federal Social Security System; however, employees who were hired after April 1986 contribute to the Medicare program, presently at a rate of 1.45% of their gross salary.

### **Unemployment and Workers' Compensation**

Employment at Cleveland State University is covered under the Unemployment Compensation Act, which may provide income in the event of unemployment under certain circumstances. The Workers' Compensation laws of the State of Ohio also cover employees in the event of a qualifying on-the-job accident or injury.

Employees are required to immediately report incidents of workplace illness or injury to their Supervisor. In addition, employees are required to complete the "CSU Report of Illness/Injury" form, obtain their Supervisor's signature, and submit a copy of the report to the Department of Human Resources Development and Labor Relations and the Department of Safety and Environmental Services within twenty-four (24) hours of the incident. The "CSU Report of Illness/Injury" form is available from Department of Human Resources Development and Labor Relations, and the Department of Safety and Environmental Services by phone, or at the departments' websites.

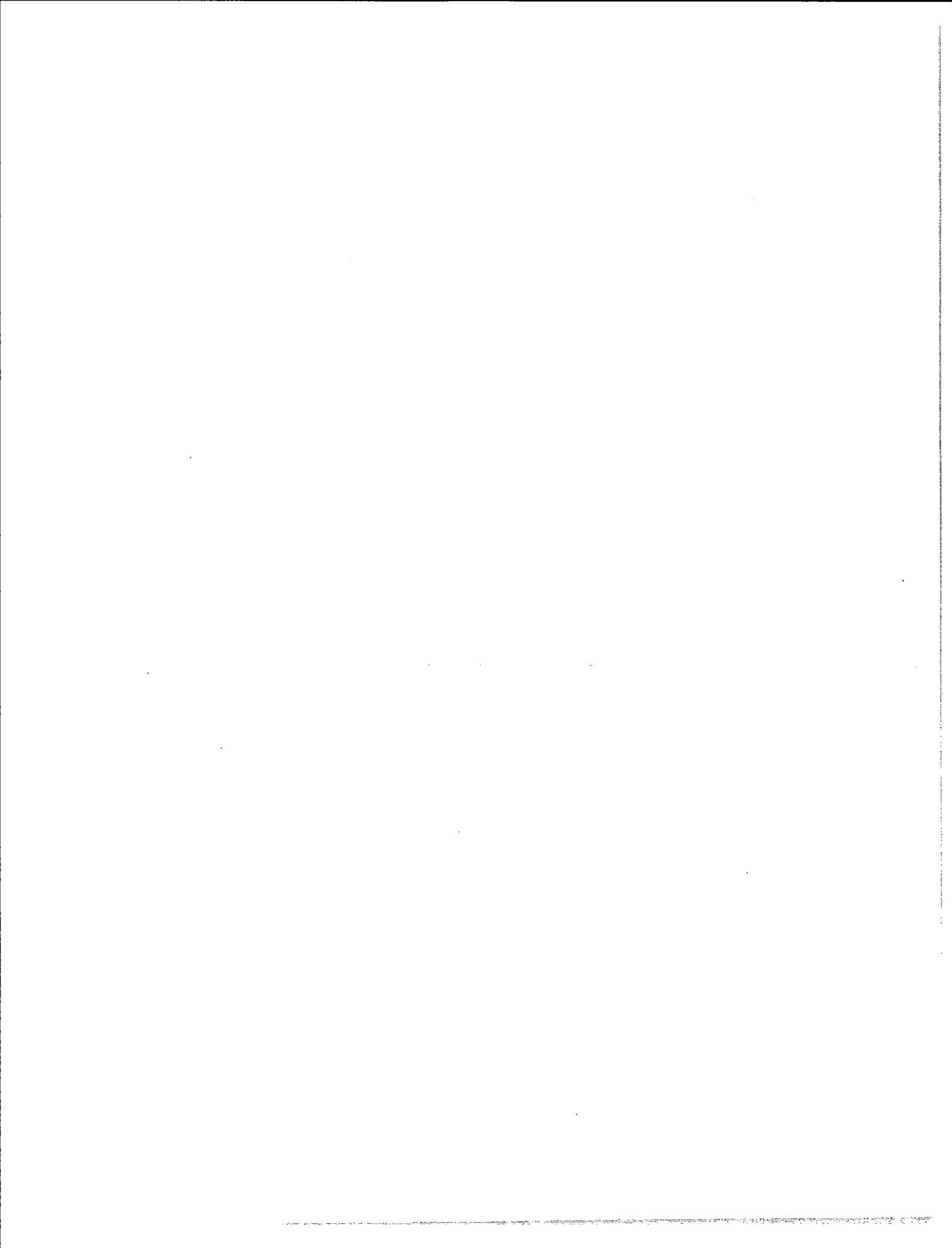
### **Benefits for Domestic Partners and Their Dependents**

A same sex domestic partner of a Professional Staff member who complete an "Affidavit of Domestic Partnership" may participate in the following benefit plans/policies:

- **Family and Medical Leave Act (FMLA)**  
Professional Staff members who are eligible for FMLA leave may apply for FMLA (and Extended Leave beyond FMLA) for situations involving a same-sex domestic partner and the dependents of their domestic partner.
- **Sick Leave**  
Professional Staff members who are eligible for sick leave may apply to use sick leave (and unpaid leave upon exhaustion of sick leave) for situations involving their same-sex domestic partner and the dependents of their domestic partner.

- **Optional Life Insurance**  
Professional Staff may purchase optional life insurance for their same-sex domestic partner and the dependents of their domestic partner, according to the terms and conditions of the insurer.
  
- **Employee Assistance Plan (IMPACT EAP)**  
The IMPACT Employee Assistance Plan (EAP) is available to eligible Professional Staff members and members of their household, including a domestic partner and the dependents of their domestic partner.

The "Affidavit of Domestic Partnership" is available from the Department of Human Resources Development & Labor Relations, or at the department's website. [\[Back to the top\]](#)





# Cleveland State University

Office of the Provost and Senior Vice President

## Memorandum

To: Mr. Steven Liss, 4452 Donna Drive, VIA E-MAIL AND CERTIFIED MAIL  
Richmond Heights, OH 44143

From: *George E. Walker*  
George E. Walker, Interim Provost and Senior Vice President for Academic Affairs

Date: December 4, 2012

Re: Response to Step 2 Grievance

---

### **Filing and Response**

This Step 2 grievance was filed on October 5, 2012, in accordance with Section 8.5.9.3.3 of the Cleveland State University Professional Staff Policies ("Policies"). The grievance complies with the Policies which require the Step 2 grievance to be filed within ten (10) working days after receipt of the Step 1 response. The Policies specify that a grievance meeting be held within ten (10) working days. In compliance with the Policies, the grievance meeting was held on November 16, 2012. The attendees were you, myself, and Dr. Vijay Konangi, Vice Provost for Faculty Affairs; Dr. Konangi attended the meeting strictly to take notes. The Policies stipulate that I shall issue a written response to the Step 2 grievance within ten (10) working days after the grievance meeting. This memorandum represents my written response.

### **The Grievance**

The grievance alleges that *"I am filing this grievance on the basis of unfair scrutiny, discriminatory treatment, and termination due to age discrimination, as well as retaliation for complaining about discrimination against myself and my colleagues. I was also illegally terminated in violation of the ERISA rules."*

### **Proposed Remedy**

The proposed remedy is that you be reinstated to your position or rehired into the same or similar position.

### **Discussion**

At the grievance meeting held on November 16, 2012, you had the opportunity to substantiate and provide any evidence to support your allegations. But you were unable to do so. In summary, you stated that you were a dedicated employee for 19 years (1993 through 2012), received very good performance evaluations in all years, and you were retaliated against for defending the performance of two employees (Mary Myers and Bill Russell) who reported to you. Also, two of the new Assistant Deans seem to have responsibilities that the three laid off employees had.

Mailing Address: 2121 Euclid Avenue, AC 333 • Cleveland, Ohio 44115-2214  
Campus Location: Parker Hannifin Administration Center, Rm 333 • 2300 Euclid Ave. • Cleveland, Ohio  
Telephone (216) 687-3588



I have also had the opportunity to discuss the reorganization of the Department of Student Life with Dr. James Drnek, Dean of Students and Vice Provost for Student Affairs.

It is my conclusion that your layoff is part of an overall reorganization of the Department of Student Life.

**Finding**

The Step 2 grievance is denied and the proposed remedy is rejected.

Cc: Dr. James Drnek, Dean of Students and Vice Provost for Student Affairs  
Jesse S. Drucker, Assistant Vice President, Human Resources and Chief Negotiator  
Denise Mutti, Manager, Labor Relations  
Steven Vartorella, Human Resources Generalist



# Cleveland State University

Department of Human Resources Development and Labor Relations

January 7, 2013

Steven Liss  
4452 Donna Drive  
Richmond Heights, Ohio 44143

BY REGULAR MAIL AND E-MAIL: [seliss630@gmail.com](mailto:seliss630@gmail.com)

RE: Step 3 Grievance Response

Dear Mr. Liss:

A request for a Step 3 hearing in the above referenced matter was timely filed and received in this office. The hearing was held in the offices of the Department of Human Resources on December 14, 2012. This constitutes the formal response pursuant to Section 8.5.9.3.3 of the Cleveland State University Professional Staff Personnel Policies.

On or about September 5, 2012, you received notice that your position as Director of Student Involvement was being eliminated effective October 6, 2012. Grievance hearings were held at Step 1 and Step 2 on October 16, 2012 and November 16, 2012, respectively.

At our meeting you essentially reiterated the circumstances presented at the Step 1 hearing, that you had been a dedicated CSU employee for the past 19 years; that your performance evaluations have all been positive during your time at CSU; and you perceive that the loss of your job was retaliatory because you defended the performance of two employees who reported to you.

It is a basic management right to reorganize departments in the manner deemed appropriate for operational needs. Unfortunately, this may involve a reduction in force when positions are eliminated or changed. At our meeting you presented no evidence that the need for reorganization was unwarranted. As stated in Dr. Berkman's letter to you dated September 5, 2012, the decision to eliminate your position was not performance based.

In addition, you have taken the opportunity to apply for vacancies at CSU and have interviewed for several positions. By your own admission, you turned down two interviews.

You have proposed as a remedy that you be reinstated to your position or rehired into the same or similar position. Under the circumstances cited above, the University cannot honor your request. As a result, your grievance is denied.

Very truly yours,

CLEVELAND STATE UNIVERSITY

By: \_\_\_\_\_

Assistant Vice President - Human Resources

Mailing Address: 2121 Euclid Avenue, AC 113 • Cleveland, Ohio 44115-2214

Campus Location: Parker Hannifin Administration Center • 2300 Euclid Avenue, Suite 113 • Cleveland, Ohio 44115

www.csuohio.edu/HRD • (216) 687-3636 • Fax (216) 687-9334





# Cleveland State University

engaged

Department of Student Life



October 23, 2012

Steven Liss  
4452 Donna Drive  
Richmond Heights, OH 44143

VIA E-MAIL AND CERTIFIED MAIL

Dear Steve,

On October 3, 2012 I received a timely filed Step 1 grievance appealing your layoff from the position of Director of Student Involvement effective October 6, 2012. Pursuant to Section 8.5.9.3.3 of the Professional Staff Personnel Policies, the grievance meeting was held on October 16, 2012. The attendees included you, me and Diane Dilliard (your support person and former CSU Dean of Students).

In your written grievance submission to me on October 3<sup>rd</sup>, you contended that you were:

*" . . . filing this grievance on the basis of unfair scrutiny, discriminatory treatment, and termination due to age discrimination, as well as retaliation for complaining about discrimination against myself and my colleagues. I was also illegally terminated in violation of the ERISA rules. I believe that I should be reinstated into my position or rehired into the same or similar position."*

During the grievance meeting, you did not present any evidence supporting your assertions. Instead, your appeal consisted of limited rationale (as follows) to support your request for reinstatement.

- *You have been a dedicated CSU employee for the past 19 years.*
- *Your performance evaluations have all been positive during your time at CSU.*
- *You perceive that the loss of your job was retaliatory because you "protected" your colleagues/direct reports Mary Myers and Bill Russell.*

As I stated at the grievance meeting, and as outlined in the letter from President Berkman dated September 5, 2012, the decision to eliminate your position was not performance based. Rather, it was due to a departmental reorganization.

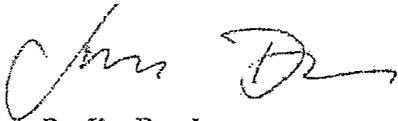
With respect to your alleged discrimination claims, you reported that you have conferred with Sonali Wilson (CSU's General Counsel) as to the investigation process available through CSU's Affirmative Action Office.

In conclusion, your requested grievance remedy is that you be reinstated into your same or similar position. However, since your layoff was due to reorganization, placing you into the

same or equivalent position is not possible. While you are encouraged to apply for any vacancies at CSU which interest you and for which you consider yourself qualified, your request to be reinstated or to otherwise be placed into a vacancy outside of CSU's standard recruitment process is hereby denied.

I thank you for your contributions and service to CSU, and truly wish you the best in your future pursuits.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Drnek".

Dr. Jim Drnek  
Dean of Students & Vice Provost for Student Affairs

cc: Sonali Wilson, General Counsel  
Denise Mutti, Manager of Employee/Labor Relations  
Steve Vartorella, Human Resources Generalist



# Cleveland State University

Affirmative Action Office

March 6, 2013

Mr. William Russell  
627 Meriner Village  
Huron, OH 44839



Dear Mr. Russell:

I apologize for the delay in forwarding this decision to you regarding your discrimination complaint. Acting as the interim affirmative action officer at the time of your complaint, I am responding to your complaint of age discrimination and retaliation in the termination of your employment as Coordinator, Greek Affairs in the Department of Student Life. In my investigation of your complaint, I found no evidence that your termination was related to age discrimination or retaliation. My investigation involved meetings with Dr. James Drnek, Dean of Students and Vice Provost for Student Affairs, Dr. Willie Banks, Associate Dean of Students, Steven Vartorella, Human Resources Specialist, and review of email correspondence.

On November 19, 2012, you and I met to discuss your complaint. In our meeting, you focused your complaint on perceived actions by Dr. Banks toward you as Coordinator of Greek Affairs. You stated that you had outstanding appraisals until Dr. Banks came on board as associate dean. You stated that from your first meeting with Dr. Banks, that "there would be a problem." Your perception was that Dr. Banks "did not like you." You alleged that Dr. Banks discriminated against you based on age because you perceived that Dr. Banks did not like "old methods" of operating Greek Life. Your charge of retaliation by Dr. Banks against you stemmed from a National Panhellenic Council meeting that Dr. Banks attended of which no minority group leaders were present. As the result of the absence of minority student group leaders, you stated that Dr. Banks perceived you as "anti-African American," and therefore treated you in ways that you perceived as retaliatory.

On November 27, 2012, I met with Mr. Vartorella. He stated that in his interactions with you, there was no mention on your part of age discrimination. He stated that the only mention of age on your part was in reference to retirement. Mr. Vartorella stated that the concerns that you raised with him about Dr. Banks were related to a report that Dr. Banks requested from you.

*Mailing Address:* 2121 Euclid Avenue, AC 236 • Cleveland, Ohio 44115-2214

*Campus Location:* Administration Center, Rm 236 • 2300 Euclid Ave. • Cleveland, Ohio

Telephone (216) 687-2223 • Fax (216) 687-9274

CSU is an Affirmative Action/Equal Opportunity institution. No person will be denied opportunity for employment or education or be subject to discrimination in any project, program or activity because of race, color, religion, sex, sexual orientation, national origin, age, handicap or disability, disabled veteran, Vietnam era veteran status or other protected veteran status.

Page Two

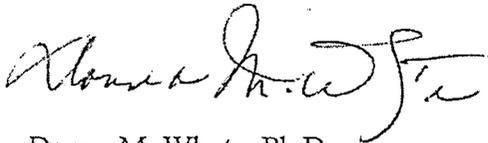
On November 27, 2013, I also met with Dr. Drnek. He stated that your position was part of a greater reorganization in the Department of Student Life and that age did not enter into the reorganization plan. Dr. Drnek indicated that none of the operations within the department were meeting benchmarks and that Student Life had to change direction.

On December 3, 2012, I met with Dr. Banks, at which time he stated that he met with all staff reporting to him when he first assumed his position as associate dean in February 2012. He stated that he requested information from you on such topics as benchmarks and best practices in Greek Affairs and other questions related to your job description. There is no evidence that anything he requested of you was age related. In my review of drafts of email correspondence between Steve Liss, your immediate supervisor, and Dr. Banks, there is no reference or inference related to age. In addition, when asked about Dr. Banks' alleged perception that you were "anti-African American" and Dr. Banks therefore retaliated against you, Dr. Banks stated that you said that the students "couldn't make it" to a particular meeting and that there was no more reference to race in your conversations with him.

In conclusion, the evidence does not support that your termination was due to age discrimination and/or retaliation that would be in violation of CSU's Affirmative Action policy statement and any other federal, state rules and regulations.

Thank you for your cooperation regarding this matter, and should you have further questions or concerns, please contact the Director of Affirmative Action, Yulanda McCarty-Harris, Esq. at 216-687-2223 and/or [ymccartyharris@csuohio.edu](mailto:ymccartyharris@csuohio.edu). She would be able to apprise you of any appeal rights if you do not agree with these findings.

Sincerely,



Donna M. Whyte, Ph.D.  
Interim Affirmative Action Officer (former)

Cc: Ms. Sonali Wilson, General Counsel  
Dr. James Drnek, Dean of Students and Vice Provost for Student Affairs  
Dr. George Walker, Interim Provost, Senior Vice President for Academic Affairs  
Ms. Yulanda McCarty-Harris, Director, Affirmative Action



# Cleveland State University

Office of the President

April 1, 2013

Mr. William H. Russell  
627 Mariner Village  
Huron, OH 44839

Dear Mr. Russell:

I have reviewed the report of the investigation findings, prepared by Dr. Donna Whyte acting as the Interim Affirmative Action Officer for the University, relative to your complaint of age discrimination and retaliation in the termination of your employment as the Coordinator, Greek Affairs in the Department of Student Life. Upon completion of my review of the record, I have accepted the findings of Dr. Whyte that your dismissal from the university was not related to either your age or due to retaliation. This decision is final and this matter is considered closed.

Sincerely,

  
Ronald M. Berkman, Ph.D.  
President

cc: Dr. George Walker, Interim Provost  
Dr. Jim Drnek, Vice Provost for Student Affairs  
Yulanda McCarty-Harris, Director, Affirmative Action Office



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*[Handwritten signature]*

