

3359-9-01 Appointments to the classified and unclassified civil service.

- (A) The board recognizes that the civil service of the state is "... divided into the unclassified service and the classified service..." and, that the "...unclassified service shall comprise the following positions, which shall not be included in the classified service...":

"...All presidents, business managers, administrative officers, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with..." the university of Akron as determined by the board of trustees, as defined in division (A)(7)(a) of section 124.11 of the Revised Code.

- (B) Pursuant to the rules of the board of trustees, the president is empowered to nominate all administrative officers, faculty and staff members to the board for appointment or other personnel action, except as otherwise provided in rules 3359-1-02 and 3359-7-01 of the Administrative Code. Such nomination shall identify the classified or unclassified status of the recommendation, which the board shall be asked to act upon. By virtue of appointment to the unclassified service, such employee shall be subject to the authority of the president, who shall have the discretion at any time during the term of appointment to make or to authorize assignments, reassignments, or other administrative changes in an individual's duties or responsibilities, including but not limited to changing administrative designations or reporting relationships.
- (C) Any such administrative changes during the term of an individual's contract period shall not affect the term or salary of an individual's contract. Changes in titles, administrative designations, or reporting relationships during the term of an individual's contract shall be subject to approval of the board.
- (D) Certificates of appointment, letters, job descriptions, or other instruments documenting or issued by the secretary of the board or appointing authority evidencing board action on the president's nominations for appointment or other personnel recommendations shall not be constructed to limit the discretion and authority of the president and the board to make such administrative changes as provided in these regulations.
- (E) Employment and compensation of employees of the university of Akron is the responsibility of the board, and no officer or employee of the university of Akron is empowered to employ, remove, fix the compensation of, or in any manner whatsoever create any expectancy of employment or reemployment, except as expressly authorized in the bylaws, rules, and regulations of the board. All offers of employment shall be subject to the approval of the board of trustees, and no person shall be entitled to rely upon any verbal or written representation to the contrary.
- (F) Pursuant to section 3359.03 of the Revised Code, "The board of trustees of the university of Akron shall employ, fix the compensation of, and remove, the president and such number of professors, teachers, and other employees as may be deemed necessary." The hiring authority for all university employees shall be the exclusive prerogative of the board of trustees.

The board of trustees routinely acts upon all personnel actions that come before the board of trustees in public session during its regular or special meetings. Terms and conditions of employment and all "letters of offer", "employment agreements", "addendums", or other such contractual arrangements pertaining to the employment of vice presidents, deans, directors, coaches, and other such officers and employees, as designated by the board of trustees from time to time, shall be reduced to writing and made subject to board of trustees approval.

The office of general counsel shall provide advice and counsel with respect to the negotiation and terms of such contractual arrangements and shall review all such documents for legal form and sufficiency. Prior to any board meeting at which board approval will be requested for the employment of such individual(s), the document(s) containing all proposed terms of employment shall be provided to the board of trustees for its review.

In the event the recommendation for employment of faculty, staff, administrators, or others includes special conditions of employment not otherwise included in the routine personnel reports provided at board meetings, such as financial or other commitments by the university in the amount of ten thousand dollars or more beyond the individual's base salary and regular employee benefits, including but not limited to "start-up" funding for research, multi-year employment terms, provision for automobile, stipends, one-time payments, liquidated damages, deferred compensation, etc., the document(s) containing all such terms shall be made subject to board approval and shall be provided for review by the board of trustees prior to requesting board approval. This rule shall not apply to undergraduate, graduate or professional students.

Effective: 09/11/2016

Certification: _____
Ted A. Mallo
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359.01

Rule Amplifies: 3359.01

Prior Effective Dates: Prior to 07/20/90, 09/21/95, 08/09/96, 01/31/15