3359-22-01 Professional staff information.

(A) Professional staff. Professional staff are full-time or part-time non-teaching professional personnel of the university. Any professional staff originally appointed prior to July 1, 1986 shall be designated as a member of the general faculty as long as the person continues in such position. Professional staff do not hold regular faculty rank (e.g., instructor, assistant professor, associate professor, professor.) The minimum requirement for this employment category is an exemption from the Fair Labor Standards Act.

(B) Appointments.

(1) Regular professional staff appointments do not include a specific end date. Professional staff are not eligible for indefinite tenure.

(2) Temporary professional staff have a specific end date at the time of appointment. Temporary professional staff shall have no expectation of employment beyond their end date. However, based on university business needs, the end date for temporary professional staff may be extended. Temporary professional staff may be separated at any time without notice based on university discretion, and paragraphs (C), (D), (E), (F), and (K) of this rule do not apply to temporary professional staff.

(3) Full-time appointments will be forty hours per week.

(4) Part-time appointments will be less than forty hours per week.

(C) Separation from employment without cause, other than for a reduction in workforce, for professional staff.

(1) A professional staff member, other than professional staff members in the department of athletics classified as coach, may be separated from employment without cause at any time upon the recommendation of the immediate supervisor and with approval of the appropriate dean or vice president and of the chief human resources officer (CHRO).

(a) Notice will be given no later than three months prior to the date of separation.

(b) A professional staff member who is separated without cause may be placed on leave at any time during the three month notice period. Professional staff members placed on leave will be required to first utilize all of their accrued, unused vacation time prior to being placed on paid administrative leave .

(2) Deprivation of a "liberty" or "property" interest. If, in cases of separation without cause, the professional staff member believes that the separation from employment constitutes a deprivation of a "property interest" or "liberty interest," protected by the due process clause of the United States Constitution, the professional staff member may request a hearing before the CHRO or the CHRO's designee .

(a) Hearing procedure. The professional staff member shall request the hearing on the alleged deprivation in writing to the CHRO or the CHRO's designee within ten calendar days following the date of notification of separation and shall provide the specific reasons why the professional staff member believes termination was a violation of either their "liberty or "property" interest. Upon request for such a hearing, the CHRO or the CHRO's designee shall decide whether a hearing is necessary. If it is determined that a hearing is necessary, the professional staff member shall be notified of the date, time, and procedures for the hearing. In cases of an alleged deprivation of a liberty interest, the procedures for the hearing shall be determined by the university proportionate to any alleged reputational harm.

(b) The professional staff member shall have the right to be assisted by an advisor or attorney at their own cost, but such advisor or attorney shall not actively participate in the hearing, other than to privately counsel and advise the professional staff member.

(D) Termination of employment for cause. The employment of a professional staff member may be terminated for cause at any time upon the recommendation of the supervisor and the appropriate vice president and with approval by the CHRO.

(1) The professional staff member shall be given thirty calendar day's written notice of the date of separation by the CHRO, or the CHRO's designee(s), during which time a hearing on the reason for dismal will be conducted.

(2) The professional staff member shall be notified of the date, time, and procedures for the hearing. In the case of conduct involving moral turpitude or public safety, the professional staff member shall be immediately placed on administrative leave with or without pay, pending the vice president's recommendation and action by the CHRO or the CHRO's designee(s).

(E) Reduction in workforce. Conditions may arise that necessitate the reduction of the university workforce. Reduction of two or more professional staff positions, including coaches, in this manner may occur for a variety of reasons including but not limited to, budgetary constraints, changing priorities, lack of work, reasons of economy, efficiency improvements, reorganization, or due to extraordinary or catastrophic circumstances or events beyond the university's control.

(1) Professional staff members affected by a reduction in workforce will be provided with at least forty-five calendar days' written notice prior to the effective date of termination.

(2) Professional staff members shall be entitled to paid leave at their current rate of pay with benefits during the first thirty days of the notice period, subject to the following conditions:

(a) The paid leave will start on a date to be determined by the professional staff member's supervisor in consultation with human resources and may be immediate, or may be delayed, but will begin no later than fourteen calendar days after notice of the reduction in force is given.

(b) Professional staff members may choose to utilize their accrued vacation leave to be paid for any days past the first thirty days of the notice period. Otherwise, this time shall be considered a leave of absence without pay.

(c) If a professional staff member obtains a full-time position with the university or any other employer before the completion of the applicable notice period, the paid leave shall terminate on the date of the new employment.

(F) Resignation. A professional staff member who proposes to resign from the university of Akron should give sufficient notice to obviate serious difficulty to the university in filling the position. Once a resignation has been submitted and accepted by the professional staff member's immediate supervisor, it may not be withdrawn without the specific approval of the immediate supervisor and the CHRO.

(G) More information regarding separation from employment of professional staff is outlined in rule 3359-26-05 of the Administrative Code.

(H) Vacation. Full-time professional staff with a twelve-month appointment are entitled to one hundred seventy-six hours of vacation per year, as further detailed in rule 3359-11-03 of the Administrative Code.

(I) Leave of absence. Leaves of absence without compensation may be granted by the CHRO or the CHRO’s designee(s) upon recommendation of the appropriate vice president. Leaves of absence without compensation for the purpose of career development will be considered on an individual basis, considering the value of the experience to the employee and to the institution and the capabilities of the employee's department to manage the employee's responsibilities during the absence.

(J) Furloughs. Professional staff shall be subject to furloughs as provided in rule 3359-11-02.1 of the Administrative Code, "Furloughs for non-bargaining unit employees."

(K) Retirement. Any professional staff member who proposes to retire from the university of Akron should give notice early enough to avoid serious interruption to the university operation, the length of time necessarily varying from the circumstances of the professional staff member’s particular case.

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