

Oregon Tech Policy
OIT-20-045
Unclassified Administrative Staff: Timely Notice, Non-Renewal,
and Termination of Employment

1. Policy Statement

Newly hired Unclassified Administrative Staff are engaged through an initial employment period that acts as a probationary period.

When retained beyond the initial employment period, unclassified administrative staff remain employed until such time that timely notice is provided to non-renew employment or when termination of employment is warranted without a notice period. This policy outlines said processes.

2. Reason for Policy/Purpose

The purpose of this policy is to establish probationary periods for new hires, define required notice periods for non-renewal of employment, and describe circumstances where termination without notice may be appropriate. This policy serves to assure there is:

- Consistency in how employment arrangements are administered for various levels of unclassified administrative staff;
- Consistency in how the initial employment period for newly hired unclassified administrative staff is implemented for the various levels;
- Standardization of notice periods for non-renewals;
- Termination and non-renewal of employment consistent with law and HR best practices.

3. Applicability/Scope

This policy applies to all unclassified administrative staff of the university and any member of the faculty and classified staff who accept an unclassified position.

4. Definitions

Financial Hardship: When the university is facing or anticipating budgetary shortfalls or cuts requiring the review of staffing levels, the reorganization of departments or divisions, the possible elimination of programs or positions, etc.

Fixed Term Contract: A fixed-term contract is an employment contract that lasts for a specified period. This may be a useful option for an individual employed for a specific project, when paid through a grant, etc.

For Cause: A termination for cause is justified when there is a record of misconduct, that includes, but is not limited to: malfeasance; insubordination; violation of university policies in the area of sexual harassment and/or other prohibited discrimination; unwillingness or inability to fully and

faithfully carry out the duties of the position or otherwise render effective service; gross misconduct in violation of Oregon Tech policies, rules, or regulations, and applicable state or federal laws.

Initial Employment Period (aka Probationary Period): The initial six (6) months of employment of a newly hired unclassified administrative staff member. This is considered a probationary period, wherein the employment arrangement is considered entirely at-will and the initial employment period may be terminated at any time and for any lawful reason. Employment relationships that are terminated during the initial employment period are not grievable.

Non-Renewal: The non-renewal of employment resulting in separation from the university may be utilized for any non-disciplinary reason, including, without limitation, financial hardships, reorganization/restructuring, position elimination, the expansion of job duties rendering the existing employee unable to perform essential functions of the job or meet adjusted/expanded minimum qualifications, or any other reason within the discretion of the president. Employment relationships that are non-renewed are not grievable.

Notice Period: A time period defined by this policy between the employee being notified of non-renewal resulting in separation from the university or termination and the effective date of such action.

Responsible Office: The university unit responsible for developing, coordinating, maintaining and/or implementing a university policy.

Termination: When the employment relationship is ended after a finding of misconduct or unsatisfactory performance justifying the conclusion of the employment relationship for cause. Employment relationships that are terminated for cause may be grieved.

Unclassified Administrative Staff: The university's unclassified administrative staff are defined by ORS 580-020-0006.

5. Policy

a. Initial Employment Period

When unclassified administrative staff are hired by Oregon Tech, they will have an initial employment period of six (6) months which shall be considered a probationary period. During this period, the employee is considered an at-will employee and may be terminated without a notice period and without a reason provided. Notwithstanding the at-will status, during this period, the employee should be onboarded, trained, counseled, and mentored to be best positioned for success, including, at a minimum, monthly informal performance discussions between the direct supervisor and the employee. All probationary period separations will be carried out in coordination with the Chief Human Resources Officer and the divisional head.

At the successful conclusion of the initial six (6) month employment period the direct supervisor will conduct and document a performance evaluation of the employee.

Unless the employee is issued a fixed-term contract, no additional written contracts will be issued, until the employee separates due to reasons including but not limited to transfers to a new position, retirement, resignation, non-renewal, termination for cause, death, etc.

Internal transfers of existing unclassified administrative staff from one position to another within the university do not require a new probationary period. A classified staff member or faculty who accepts an unclassified position is required to complete a probationary period.

b. Non-Renewal of Employment

When the employment of an unclassified administrative staff member will not be continued, a written notice will be given providing at least ninety (90) days' notice prior to the effective date of the last date of employment. Such a notice may be issued at any time.

The non-renewal of employment may be utilized for any non-disciplinary reason, including, without limitation, financial hardships, reorganization/restructuring, position elimination, the expansion of job duties rendering the existing employee unable to perform essential functions of the job or meet adjusted/expanded minimum qualifications, or any other reason within the discretion of the president.

During the period between notification of non-renewal and the end of the appointment, the direct supervisor or another institutional designee may: direct the employee to continue performing the work of their current position, reassign the employee to another position, or give one or more special assignments. Noticed employees retain the option of voluntarily resigning or retiring, if eligible, in lieu of non-renewal.

As a non-disciplinary measure, no reason is necessary for a non-renewal of employment. Non-renewal is not an appropriate option when termination for cause is justified.

Employment relationships that are non-renewed are not grievable.

c. Termination of Employment for Cause

The president reserves the right to immediately terminate an employment for cause at any time. No notice period is required.

Just cause includes, but is not limited to: malfeasance; insubordination; violation of university policies in the area of sexual harassment and/or other prohibited discrimination; unwillingness or inability to fully and faithfully carry out the duties of the position or otherwise render effective service; gross misconduct in violation of Oregon Tech policies, rules, or regulations, and applicable state or federal laws. Bases for just cause are set forth in greater detail in the Oregon Tech policy 580-021-0325.

d. Transitions between classified and unclassified administrative staff roles

A classified staff member who accepts an unclassified position is required to complete a probationary period. If an employee moves from an unclassified position to a classified staff role, such transitions will follow guidelines consistent with CBA and the new classified position they may

be transitioning into. Even if the employee has previously transitioned from a classified staff role into an unclassified administrative staff role, there is no guarantee of a classified position for a transferee to return to.

e. Transitions between faculty and unclassified administrative staff roles

A faculty member who accepts an unclassified position is required to complete a probationary period. An unclassified administrative staff may also have a tenured, tenure-track, or a non-tenure track faculty rank either by virtue of the terms of their initial appointment or via a transition from their role as a member of the instructional and non-instructional faculty to an unclassified administrative staff role. An unclassified administrative staff member with a faculty rank, even with prior service as a faculty member under the CBA, will no longer be governed by the CBA. When their service as an unclassified administrative staff member comes to an end, faculty members with tenured faculty ranks may return to their service as a faculty member, unless terminated for cause.

6. Links to Related Procedures, Forms, or Information

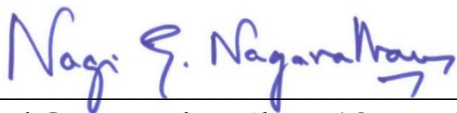
- [Conflicts of Interest](#)
- [Prohibited Discrimination and Discriminatory Harassment](#)
- [Prohibited Sexual Misconduct](#)
- [Reporting Misconduct and Prohibited Retaliation](#)
- [Unclassified Administrative Staff Grievance Process](#)
- [Violence-Free Campus](#)

7. Policy Review/Consultation/Responsible Officer

This policy was adopted pursuant to Oregon Tech’s policy review and making process. The Responsible Officer for this policy is the university’s Chief Human Resource Officer (Ph: 541.885.1120; e: oithr@oit.edu).

8. Policy Approval

Approved by the president on January 24, 2024.



Nagi G. Naganathan, Ph.D., ASME Fellow
President

Adoption Date

July 1, 2014

Revision Date

January 24, 2024