Ohio University Administrative Senate
Minutes of January 15, 2015
Baker Center, Room 240

Next Meeting: February 19, 2015
12:10 p.m. – 1:30 p.m.
Baker Center, Room 240

Present: Jewell Barlow, Nicholas Brigatti, Lisa Dael, Marissa Dienstag, Tim Epley, Ricky Huard, Wendy Kaaz (online), Laurie Lach (online), Feliz Levy (online), Jennifer Maskiell, Kelly Pero, Corey Posey, Melissa Standley, Andrew Stuart, Eileen Theodore-Shusta, Matt Ward, Jessica Wingett, Eleni Zulia

Excused: Joshua Bodnar, Myca Haynes, Marjorie Mora, Connie Pollard, Wendy Rogers, Misti Smith, Cathleen Waller

Absent: Martin Barnes, Doug Grammer, Toni Heightland

Guests: Colleen Bendl, Greg Fialko, Stephen Golding, Wendy Merb-Brown, Jan Myers

Call to Order: Jessica Wingett called the meeting to order at 12:10 p.m.

Approval of Minutes: Jessica Wingett asked for a motion to approve the minutes of the November 20, 2014 meeting; Kelly Pero moved, Andrew Stuart seconded the motion, a vote was taken, and the minutes were unanimously accepted.

University Update – Jan Myers, Director of Compensation: Jan Myers stated that the transition of employees that qualified for FLSA reviews is about to be finalized. The deadline for employees to appeal the mapping of jobs to the framework is Friday, January 16, 2015. The final version of policy 40.040, Job Classification System policy, which only addresses classified employees and their appeal rate, will be completed soon. A temporary policy has been used to allow administrators to appeal on COMP 2014. The permanent policy will separate administrative staff from classified staff. The final reporting requirement letter was sent to the Department of Education and they have accepted all work pertaining to COMP 2014, and the resolution agreement is closed effective January 2, 2015. We continue to work on a process to address other concerns as a result of COMP 2014, including pay compression/inversion after implementing the market based structure; to run concurrently with annual pay increases.

University Update – Greg Fialko, Director of Benefits: Greg Fialko updated Senators on benefits. Last winter the Benefits Advisory Council (BAC) was created and tasked to review and make policy recommendations.
1. Eliminate structural deficits by no longer using reserve
2. Establish strategy to manage University annual health care costs annually
3. Avoid the Affordable Care Act 2018 Cadillac Plan Excise Tax
BAC has met and made the following recommendations to the Total Compensation Committee (TCC) based on review and staff survey.
1. Strategy to manage annual University health care increases by capping the annual increase to the University at 5%.
2. Benefits reserves goal set at 6% or 3 million.
3. Benefits eligibility – The University provided benefits available to employees with FTE>=.75. Legally required benefits are made available to employees with FTE<.75. Any employee currently receiving benefits below FTE>=.75 will be grandfathered in.

The following recommendations were made to begin July 2015.

- Deductible 400/800
- Co-insurance 1500/3000
- Co-insurance % 85%
- Copay $25
- RX retail 20/30/40
- RX mail 25/35/55
- Premium 15%/16%/17%

BAC will continue to discuss these recommendations:

Second year:

- Deductible 450/900
- Co-insurance 1750/3500
- Co-insurance % 80%
- Copay $25
- RX retail 20/30/40
- RX mail 25/35/55
- Premium 15%/17%/19%

Third year:

- Deductible 500/1000
- Co-insurance 2000/4000
- Co-insurance % 80%
- Copay $25
- RX retail 20/30/40
- RX mail 25/35/55
- Premium 15%/17.5%/20%

The last benefits policy changes occurred in 1992 and the last change made to benefits was July 2009. There are several policies that need rewritten.

Presently, Anthem will remain the provider. Out of network will change and there are no changes to dental, vision, and life at this time. Additional medical plans may be considered. Ohio University determines benefits by how long an employee works. The FTE level effective July 2015 is:

- >=.75FTE >=120 days All benefits Treated at full benefits rate
- <.75FTE >120 days *Legally required benefits
- Any FTE <120 days *Legally required benefits

*Legally required benefits: retirement, sick leave, unemployment, Medicare, and other legally required benefits. Educational benefits are not included.

There will only be full-time and part-time employees; Group 3 employees will be eliminated. There are currently no reciprocal educational benefits with other State universities.

Email questions to Fialko at fialko@ohio.edu, or contact Jessica Wingett, wingettj@ohio.edu or Cathleen Waller, waller@ohio.edu, with additional questions. Fialko and Colleen Bendl may be brought back to answer questions.

**University Update – Stephen Golding, Vice President for Finance & Administration:** Stephen Golding stated that the Board of Trustees meet January 23, 2015 and a proposal to adopt a first cohort tuition and fee increase of 5.1% for Ohio Guarantee will be presented. It is a 4.4% increase for tuition and fee, course fees, and room and board, guaranteed for four years or for the appropriate term to graduate. Another recommendation for consideration at the June Board meeting is a 2% increase for continuing students. We want to be transparent as to how the program will work and
demonstrate to the Board that continuing students will not be subsidizing cohort students and cohort students will not be subsidizing continuing students. The proposal was taken to the Chancellor of the Ohio Board of Regents and was accepted and we are authorized to proceed.

- Budget Planning Council (BPC) is beginning to deal with benefits administration recommendations which ties to compensation recommendations and what the salary pool will look like. Discussion will take place at the next several meetings on how to begin funding for Central Bank that will support the deferred maintenance program and cost of the financial aid program. Work will continue through the semester on the FY16 budget and will be presented at the June Board meeting. We are waiting to hear what the Governor will recommend on the Legislative cap on tuition.
- There is pressure from Student Senate for a 5% roll back cost to students and this probably will not be resolved until May. This must be monitored carefully and will probably be removed if modification is required because the most important thing of the Ohio Guarantee is that there is certainty with numbers and how the program will work in the future. Ohio Guarantee covers in state and out of state undergrads.
- A tweet went out about a possible protest at the Board meeting.

University Update – Wendy Merb-Brown, Director of Learning Community Programs: Wendy Merb-Brown presented the Grievance Procedure for Contract Employees. Faculty, administrative staff, and classified staff each have a process to grieve a decision happening at the University. Contract employees go through Administrative Senate. The Grievance Procedure for Contract Employees is policy 41.011 and other relevant policies are 41.012 and 41.013. The presentation and these policies are attached. The Administrative Senate Chair guides the process, but does not make decisions. If a grievant is not happy with the response from supervision, they can appeal to the Administrative Senate Chair, who then appoints a Grievance Review Committee consisting of a minimum of three non-biased administrators, and someone from this committee must be appointed chair. The administrators do not have to be on Senate. If the Administrative Senate Chair is the grievant, a past chair can be used. It is important that someone knows the process and can ensure the process is followed. This process is used on regional campuses also. If the grievance involves discrimination, harassment, or a legal issue, Administrative Senate immediately stops and turns the grievance over to Institutional Equity. Legal Affairs can be consulted at any time. Feel free to contact Merb-Brown at merbw@ohio.edu with questions.

Chairperson’s Report: Jessica Wingett reported on behalf of Cathleen Waller. Please review the email that was sent from the Provost with updates about the Climate Survey.

Vice Chairperson’s Report: No Report

Secretary’s Report: No Report

Treasurer’s Report: Charges from Faculty Senate were posted in error and will be transferred. $97.75 was for office chairs for the Senate meeting room at 31 S. Court St. The December 2014 Budget Report is attached.

Committee Reports: The Outstanding Administrator Awards Committee has been reviewing nominees and Eileen Theodore-Shusta asked for a motion to increase the financial award for outstanding administrator from $1,000 to $1,500. Lisa Dael moved, Andrew Stuart seconded, a vote was taken and the motion passed unanimously. Outstanding Administrator awards will be reviewed periodically.
- Election nomination forms will be available online March 1. Jessica Wingett will contact Senators with terms ending this fiscal year, inquiring if anyone would like to reapply.
- The Service Awards ceremony is March 17, 2015 at 3p.m. in the Baker University Center Ballroom.
**Old Business:** Jessica Wingett will ask Cathleen Waller to send a list of constituents to the Senators.

**New Business:** Christina Jenkins, Disability Services Advisor for Student Accessibility Services, would like to get involved with Senate. Jessica Wingett asked for a motion to approve Christina Jenkins to fill an at-large vacancy through the end of FY15, and when the nomination process opens up, Jenkins can run for that seat. Eileen Theodore-Shusta moved, Nicholas Brigatti seconded, a vote was taken and the motion passed unanimously.

- A Campus Conversation is scheduled January 20, 2015 from 3 – 5p.m. in the Baker University Center Ballroom. These informal sessions allow students to participate and ask questions about various hot topics.

**Discussion and Announcements:** None

**Adjournment:** Jessica Wingett asked for a motion that the meeting be adjourned, Lisa Dael moved, Andrew Stuart seconded, the motion passed unanimously, and the meeting adjourned at 1:40 p.m.

Respectfully submitted,

Wendy Rogers                         Debbie Crabtree
Secretary                           Assistant to the Senate

**Next Meeting:** February 19, 2015
12:10 p.m. – 1:30 p.m.
Baker Center, Room 240
GRIEVANCE COMMITTEE TRAINING
Administrative Senate
January 15, 2015

GRIEVANCE PROCEDURE FOR CONTRACT EMPLOYEES

Ohio University Policy and Procedure 41.011

TERMINATION FOR CAUSE, NON-RENEWAL, SUSPENSION, DEMOTION, OR DISMISSAL OF A CONTRACT ADMINISTRATOR

Ohio University Policy and Procedure 41.012

TERMINATION: NON-RENEWAL BASED ON DISCONTINUANCE OF POSITION OF ADMINISTRATORS

Termination: Non-Renewal Based on Discontinuance of Position of Administrators - Ohio University Policy 41.013

GRIEVANCE TIMELINE

- All days referenced are working days

1. Employee files grievance within 10 days of occurrence or knowledge of the occurrence – to immediate supervisor.

2. Immediate supervisor must respond in writing with 7 days

3. Grievant has 7 days to appeal, in writing, to next level of supervision

4. Next level of supervision has 7 days to respond in writing

5. Grievant has 7 days to appeal to Chair of Administrative Senate
6. Chair has 14 days to appoint committee

7. Committee has 30 days to review the record, and will notify in writing the grievant, the employee’s Planning Unit Head, and Chair of Administrative Senate.

8. Planning Unit Head has 7 days to respond, in writing, to the grievant, copying the Chair of Senate and Director of University Human Resources.

9. Grievant may appeal in writing to Provost within 7 days. There is no timeline for Provost, but decision will be given in writing to grievant, Planning Unit Head, Chair of Senate, and the Director of Human Resources.

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**Grievance Procedure Timeline**
**For Administrators 40.011**

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**Guidelines for Administrative Senate Grievance Review Committees**
- Review procedure number #41.011
  - special attention to the established time limits.
- Meet to review all the documentation, case history and information.
- Identify individuals the Committee may want to contact to collect documents from and/or interview.
- Notify these individuals to discuss their potential involvement in the process.

- Meet with the grievant to
  - review the process
  - discuss his/her expectations
  - note the Committee is an advisory body to the Administrative Senate and will be making a recommendation on the merits of the grievance, not a final enforceable decision
  - review provided documentation
  - ask for additional documentation or relevant witnesses
  - need waiver for medical records or info
○ Conduct an investigation through interviews and the collection of documents

○ Make a written record of the investigation
  • this will be a public record and subject to disclosure upon request
  • medical or psychological information must be in a separate file - not releasable

REQUEST TO HAVE LEGAL COUNSEL

○ This is an informal process that will generate only a recommendation as to the merits of the grievance. It is not a final enforceable decision.

○ It is not an adversarial process, but merely a fact finding interview and therefore the Committee does not allow advocates or attorneys to be present.

○ However, if the individual wishes, he/she may bring a tape recorder to the interview, as long as he/she provides the Committee with a copy of the tape if requested.

○ Focus on the specific issues contained in the grievance.

COMPLETING THE COMMITTEE'S WORK

○ Complete the investigation

○ Review all the information collected and researched

○ Make a recommendation to the Chair of the Administrative Senate

○ 30 days to complete its deliberations
Grievance Procedure for Contract Employees

Procedure No.: 41.011
Page No.: 1, 2, and 3 of 3
Date Issued: 11/1/96
Issued By: Gary North

PURPOSE

To provide a procedure to deal with grievances of administrative contract employees.

POLICY

It is the policy of Ohio University to provide reasonable grievance procedures for contract administrators to appeal terminations, contract non-renewal, discipline, or disputes concerning working conditions and/or promotion. Any employee whose grievance involves alleged discrimination will be directed to the Office of Affirmative Action per Ohio University Policy #40.005. Performance evaluations and salary disputes are not grievable.

PROCEDURE

An individual who feels that a grievance exists shall be responsible for stating in writing the grounds upon which the alleged grievance is based. The burden of proof rests upon the grievant. All time limits in this policy refer to work days.

1. The grievant must file the grievance with his/her immediate supervisor within ten (10) days of the occurrence or within ten (10) days of when he/she had or should have had knowledge of the occurrence which led to the grievance. The immediate supervisor must respond to the...
grievance in writing within seven (7) days.

2. If the grievance is not settled to the grievant's satisfaction, he/she may appeal within seven (7) days after receipt of the supervisor's response by submitting the written grievance and response to the next level of supervision. A written response will be given to the grievant within seven (7) days of receipt of the grievance.

3. If the grievant is not satisfied with the response, he/she may appeal within seven (7) days to the Chair of the Administrative Senate. Within fourteen (14) days, the Chair shall appoint an ad hoc committee (Grievance Review Committee) of the Administrative Senate of at least three (3) administrators, none of whom shall be employed in the grievant's department. The Committee will review the complete record. The Committee will meet with the grievant to discuss the committee's authority and the process for reviewing the grievance. If at any time the grievant is exploring other avenues of settlement, the Committee's process will be stayed until those avenues of settlement are complete. If pursuing other avenues of settlement takes more than sixty (60) days, the grievant must re-initiate the grievance process. The Committee will notify the employee, the employee's Planning Unit Head, and the Chair of the Administrative Senate of its recommendation within thirty (30) days of receiving the grievance. The Planning Unit Head will have seven (7) days to accept, reject, or modify the Committee's recommendation and will notify the employee of his/her decision in writing. The written decision of the Planning Unit Head will also be given to the Chair of the Administrative Senate (who will relay the decision to the Grievance Review Committee) and the Director of University Human Resources.

4. If the grievant is not satisfied with this response, he/she may appeal in writing to the Provost within seven (7) days. The Provost or his/her designee will review all information submitted and render a final written decision. The decision of the Provost is final and binding upon the grievant and the department. The written decision of the Provost will be given to the grievant, Planning Unit Head, Chair of the Administrative Senate (who will relay the decision to the Grievance Review Committee) and the Director of University Human Resources.

5. The time limits specified in the procedure may be extended only by mutual written agreement of the parties concerned.

6. All meetings shall be conducted in executive session.

7. The grievant may withdraw from the grievance process at any time without penalty; the grievant must notify the Chair of Administrative Senate in writing. The Chair of Administrative Senate will notify the Grievance Review Committee and request from the Committee a summary of its work to date. All records related to the grievance will be retained by Administrative Senate.

Guidelines for Administrative Senate Grievance Review Committees

These guidelines are to be held by the Administrative Senate Chair and distributed to Grievance Review Committees each time they are appointed.

1. Review procedure number #41.011 in the Ohio University Policies and Procedures manual
for guidance, giving special attention to the established time limits.

2. Meet to review all the documentation, case history and information received from the Chair of the Administrative Senate. Decide which individuals connected with the grievance that the Committee may want to contact to collect documents from and/or interview. Notify these individuals to discuss their potential involvement in the process.

3. Meet with the grievant to review the process and to discuss his/her expectations. Make certain that he/she understands that the Committee is an advisory body to the Administrative Senate, and it will only be making a recommendation on the merits of the grievance, not a final enforceable decision. Review with the grievant the documentation the Committee currently has, and suggest that the grievant submit additional information if they choose. Also advise the grievant that the Committee has the authority in doing its investigation to request documentation from other sources such as Human Resources, supervisors, and co-workers, and that individuals connected with the matter may be interviewed by the Committee. Advise the grievant that if he/she wishes the Committee to review medical or psychological information, the grievant must sign a release; otherwise, this information will not be made available to the Committee.

4. Conduct an investigation through interviews and the collection of documents as deemed necessary by the Committee. Make a written record of the investigation, being aware that this will be considered a public record and subject to disclosure upon request. Keep any medical or psychological information gathered in a separate file, since this cannot be disclosed by the Committee on a public records request unless the grievant signs a release allowing the Committee to disclose it.

5. If the grievant or any individual to be interviewed requests to have legal counsel present, advise them of the following:
   a. This is an informal process that will generate only a recommendation as to the merits of the grievance. It is not a final enforceable decision.
   b. It is not an adversarial process, but merely a fact finding interview and therefore the Committee does not allow advocates or attorneys to be present.
   c. However, if the individual wishes, he/she may bring a tape recorder to the interview, as long as he/she provides the Committee with a copy of the tape if requested.

6. During the interview process, be careful to focus on the specific issue(s) contained in the grievance.

7. After completing the investigation, review all the information collected and researched, and make a recommendation to the Chair of the Administrative Senate. Notify the grievant of the Committee's recommendation. Remind the Chair of the Administrative Senate to notify the Grievance Review Committee about the disposition of their recommendation.

8. Keep in mind that, barring stays, the Grievance Review Committee has 30 days to complete its deliberations.

Please E-mail any comments or suggestions to "policy@ohio.edu".
# Administration Policy & Procedure

## 41.012: Non-Renewal, Suspension, Demotion, or Termination for Cause of Administrative Appointments

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<th>Signatures and dates on archival copy</th>
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<td>when approved</td>
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<tr>
<td>Initiated by:</td>
<td>Luis E. Lewin</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Chief Human Resource Officer</td>
<td></td>
</tr>
<tr>
<td>Endorsed by:</td>
<td>Kathy Krendl</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Executive Vice President and Provost</td>
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<tr>
<td>The Ohio University Executive Staff</td>
<td></td>
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<tr>
<td>Approved by:</td>
<td>Roderick J. McDavis</td>
<td></td>
</tr>
<tr>
<td></td>
<td>President</td>
<td></td>
</tr>
<tr>
<td>Date of Approval Following Last Full Review:</td>
<td>July 1, 2009</td>
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## Policy

http://www.ohio.edu/policy/41-012.html
The following procedures shall be used in connection with the non-renewal, discipline, or
dismissal for cause of administrative employees appointed pursuant to Policy 40.106,
"Administrative Appointments." Administrative employees are also subject to Policy and
Procedure 40.005, "Performance Evaluation Program for Administrative Presidential Appointees."

Procedures

I. Non-Renewal

A notice of non-renewal of an administrative employee shall be sent to the affected
employee no later than April 1 to terminate employment at the end of the current fiscal year.
A copy of the non-renewal notice shall also be sent to the supervisor's immediate
supervisor, the appropriate executive officer, and Office of University Human Resources
("UHR").

II. Discipline, Suspension, Demotion, and Dismissal

An administrator may be disciplined, suspended, demoted, or dismissed at any time in
accordance with the procedures set forth below. Prior to a suspension, demotion, or
dismissal, an administrative employee shall be given written notice of the basis for the
proposed action and an opportunity to respond to the charges. Supervisors shall consult with
UHR before implementing a suspension, demotion, or dismissal.

An administrative employee may be disciplined, suspended, demoted, or dismissed for the
following reasons:

1. Failure to perform the responsibilities of the position;
2. Conduct which causes an interference in the ability of the administrator, or in the
   ability of other employees, to carry out their duties and responsibilities, including but
   not limited to violence, disruptive behavior, dishonesty, malfeasance, nonfeasance, or
   negligence;
3. Insubordination;
4. Failure to conform to the ethical standards set forth in University rules and Ohio law;
5. Incompetence;
6. Failure to comply with the policies, rules, or regulations of the University;
7. Misrepresentation of formal credentials or job-related experience.

Notwithstanding the pendency or final disposition of any criminal charges, the
administrative employee may be disciplined, demoted, or dismissed in accordance with this
policy.
III. Interim Suspension

An administrator who is the subject of an investigation may be placed on paid administrative leave to remove the employee from the workplace, if the Chief Human Resource Officer, in consultation with the planning unit head, decides that it is in the best interests of Ohio University to do so.

An employee may be placed on administrative leave if it is determined that:

- the circumstances giving rise to the leave would unduly limit the ability of the employee to perform his or her university duties;
- the continued presence of the employee on campus would interfere with the ability of other employees to perform their university duties; or
- the continued presence of the employee on campus would disrupt university operations.

IV. Appeal

An administrative employee has the right to grieve a nonrenewal or a disciplinary decision, suspension, demotion, or dismissal in accordance with Policy 41.011, "Grievance Procedure for Administrative Presidential Appointees."

Reviewers

Proposed revisions of this policy should be reviewed by:

1. President
2. Executive Vice President and Provost
3. Executive Staff
4. Vice President for Finance and Administration
5. General Counsel
6. Administrative Senate
7. Policy and Procedure Review Committee

Forms

There are no forms that are specific to this policy.
41.013: Reduction in Force of Administrators

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<td>when approved</td>
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</table>
| Initiated by: | Luis E. Lewin  
Chief Human Resource Officer |                                                     |
| Endorsed by: | Kathy Krendl  
Executive Vice President and Provost |                                                     |
| The Ohio University Executive Staff | |                                                     |
| Approved by: | Roderick J. McDavis  
President |                                                     |
| Date of Approval Following Last Full Review: | July 1, 2009 |                                                     |

Policy

Reductions in force may occur at any time during the year and may be based on lack of funds, lack of work, reorganization, changes in institutional priorities, or efficiency.
Procedures

I. Responsibilities

A. Employing Department

1. When a reduction in work force is being considered, a Planning Unit Head must first consult with University Human Resources ("UHR").

2. A Request for Reduction in Work Force form with supporting information and justification must be submitted to UHR. The documentation must explicitly state the reasons for the reduction in force.

B. University Human Resources

1. UHR will consult with the department on the reduction in work force and the staff salary and benefits continuance program set forth in Policy 41.015, "Reduction-in-Force Benefit Programs for Administrators and Classified Staff."

2. The Chief Human Resource Officer will decide whether the reduction in force is authorized, and will notify the planning unit head of the decision.

II. Notice to Employees

Employees subject to a reduction in force shall be given written notice 90 calendar days in advance of the effective date of their termination.

The 90-day notice requirement does not apply to employees holding Special Appointments under Policy 40.106, "Administrative Appointments," subsection II, nor to employees holding Research Appointments under Policy 40.057, "Research Appointments." Notice of reductions in force for these positions will be given as soon as practicable.

The 90-day notice requirement does not apply to employees in Term appointments under Policy 40.106, "Administrative Appointments," subsection III.

Employees shall be entitled to paid leave at their current rate of pay with benefits during the 90-day reduction-in-force notice period subject to the following conditions:

1. The paid leave will start on a date to be determined by the planning unit head in consultation with UHR, 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.

2. If an employee obtains a full-time position with the university or another employer before the completion of the 90-day period, the paid leave shall terminate on the date of the new employment.
III. Benefits

Payment for accrued vacation will be made at time of termination.

There is no payment for accrued sick leave when an employee is terminated as a result of a reduction in force, but it may be transferred, as described in Policy and Procedure 40.029, "Sick and Bereavement Leave for Faculty and Administrative Appointees."

All insurance plans will be continued during the 90-day notice period described above. COBRA benefits will apply after the termination date if the Salary and Benefit Continuation Plan set forth in Policy 41.015 is not selected, and after the termination of benefits if the plan is selected.

Administrators who are terminated as a result of a reduction in force may continue to apply for university positions as internal candidates for a period of one year after the effective date of their termination.

Reviewers

Proposed revisions of this policy should be reviewed by:

1. President
2. Executive Vice President and Provost
3. Executive Staff
4. Vice President for Finance and Administration
5. Administrative Senate
6. General Counsel
7. Policy and Procedure Review Committee

Forms

The following form is specific to this policy:

1. The Request for Reduction in Work Force form is available online, linked through http://www.ohio.edu/hr/forms/index.cfm#r, or from UHR.
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