

CITY OF CHICAGO

POLICY REGARDING INELIGIBILITY FOR REHIRE

Effective Date: February 1, 2019

I. Policy Statement

The Policy Regarding Ineligibility for Rehire (Policy) is enacted in order to provide clarity as to what situations or circumstances could lead to a designation of ineligible for rehire (IFR). The City of Chicago (City) is committed to ensuring that all personnel are of the highest character.

II. Overview

This policy clarifies when separated employees will be designated ineligible for rehire or resigned under inquiry, and outlines the notice and appeal processes in place regarding these potential designations.

Employees designated as ineligible for rehire will receive notice of their designation, and can request removal of their designation by petitioning the Commissioner of Human Resources.

III. Definitions

“Employee” means an individual employed by the City of Chicago, whether part-time or full-time, paid or volunteer, sworn or not sworn.

“Resign[ation] or Retire[ment] in lieu of discharge” occurs when an employee resigns or retires after having been served with charges or having been otherwise informed by the City, in a formal disciplinary setting, that the employee will be terminated.

“Independent investigation” is an investigation done by a City agency or department’s internal affairs division or an independent investigatory agency outside of the accused’s department.

“Independent investigatory agencies” include, but are not limited to, the Office of Inspector General (OIG), the Civilian Office of Police Accountability (COPA), the Department of Human Resources Equal Employment Opportunity Office (DHR EEO), the Chicago Police Department’s Bureau of Internal Affairs (CPD BIA), and the Chicago Fire Department’s Internal Affairs Division (CFD IAD).

“Resigned Under Inquiry” means that an employee has resigned from City service while under investigation by an independent investigatory agency prior to the conclusion of that investigation.

IV. Ineligible For Rehire Process and Procedures

A. Separated employees who will receive Ineligible For Rehire designations

A former employee of the City of Chicago shall be deemed ineligible for rehire by the City if the employee's termination from City employment results from one of the following employment actions:

1. Termination Disciplinary (career service employees),
2. Discharge (non-career service employees),
3. Resignation or Retirement in lieu of Discharge, or
4. Employees who resigned or retired during an investigation by an independent investigatory agency in which the individual is the subject matter of the investigation and that investigation ultimately substantiated serious misconduct by the employee. This would cover the time period up until employees are provided notice of the charges.

Appropriate documentation from the applicable operating department will be required to support the separation action. DHR will work with City departments to ensure that the appropriate documentation is included in the former employee's personnel file. The list will be maintained by the Commissioner of Human Resources or the Commissioner's designee.

B. Notification

The City, via a written notice from the Department of Human Resources, will notify employees that they will be ineligible for rehire (IFR):

1. At the time the employee's dismissal is sought through Discharge or Termination Disciplinary.
2. At the time the employee Resigns or Retires in lieu of discharge.
3. At the time an investigation substantiates that the separated employee committed serious misconduct.

Except in cases that present legitimate privacy or safety concerns, a copy of any applicable investigatory report issued by an independent agency shall be included in the notice with appropriate redactions if necessary.

C. Requests for Removal of IFR Designation

Separated employees who are ineligible for rehire may petition the Commissioner of Human Resources for removal of the designation by submitting a request in writing with supporting documentation. The petition must include all reasons why the cause for the designation is no longer valid or should be excused. Reasons for removal of the designation include, but are not limited to, additional evidence, changed circumstances such as additional experience, additional education or training, or a period of good work performance from another employer. Evidence in support of the reasons should be submitted.

The Commissioner shall give due consideration to any exigent circumstances, subsequent remediation, or subsequent evidence that supports the removal of the IFR designation. The Commissioner shall also give due consideration to the reason for the termination, and the nature of the misconduct that gave rise to the termination.

A request to remove the designation may be made at any time after it has been placed; however, the Commissioner will only consider a request for removal of the designation once every two (2) years. The Commissioner's decision on whether to remove the designation is discretionary.

V. Resigned Under Inquiry Process and Procedures

A. Separated employees who receive a Resigned Under Inquiry designation

A former employee of the City of Chicago may be deemed Resigned Under Inquiry in instances where the employee resigned or left City service while they were the subject of an active investigation by an independent investigatory agency but before findings in the investigation were issued or before the investigation concluded.

A written request from the independent investigatory agency requesting that the former employee be designated Resigned Under Inquiry must be made to the Commissioner of Human Resources.

The Resigned Under Inquiry designation shall be used for the sole purpose of DHR notifying the appropriate investigative agency that the former employee is attempting to return to City employment or has returned to City employment, so that the investigative agency may resume and complete its investigation, if it chooses.

B. Removal of Designation

The Resigned Under Inquiry designation shall remain in place until or unless one of the following occurs:

1. The independent investigatory agency who requested the designation concludes their investigation and that investigation ultimately substantiated serious misconduct by the employee. The procedures described above in Section IV of this Policy will then take effect.
2. The independent investigatory agency who requested the designation concludes their investigation and that investigation does not substantiate serious misconduct by the employee.
3. The independent investigatory agency otherwise notifies the Commissioner of Human Resources that the former employee should no longer be designated as having Resigned Under Inquiry.