



UNIVERSITY SYSTEM
OF GEORGIA

Eligibility for Rehire

CITATION REFERENCE

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|---------------------------|----------------------------------|
| OFFICIAL TITLE | POLICY ON ELIGIBILITY FOR REHIRE |
| VOLUME | HUMAN RESOURCES |
| RESPONSIBLE OFFICE | USG HUMAN RESOURCES OFFICE |
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Policy Statement

USG employees that separate voluntarily or involuntarily from employment with the USG will receive one of three rehire eligibility designations as follows:

- **Eligible for Rehire**
- **Ineligible for Rehire**
- **Conditional**

A designation into one of the three categories will be made regardless of the separation reason (resignation, retirement, discharge, job abandonment or other). Employees must be notified in writing, at the point of separation or as soon as reasonably possible, if they receive a conditional or ineligible for rehire designation and may appeal their rehire status through established institutional procedures. Employees designated as eligible for rehire do not need to be notified of this designation.

Applicability

All units of the University System of Georgia are covered by this policy.

This policy applies to all employees, including regular, temporary, full-time, and part-time. The conditional and ineligible for rehire notice requirements and status designation procedures are outlined below.

Who Should Read This Policy

All Human Resources professionals within the University System of Georgia should be aware of this policy; all employees should be aware of this policy.

Definitions

Eligible for Rehire: Employees who separate from the USG and who have complied with relevant Board of Regents policies and procedures are eligible for immediate rehire consistent with other legal and/or policy restrictions (e.g., there is a prohibition on post-retirement employment decisions as well as waiting periods). The separation reason may include (but is not limited to) voluntary resignations, expiration of contract or limited term employment, reductions in force, and retirements.

Ineligible for Rehire: Employees who separate for serious misconduct, major policy violations, or criminal behavior should be deemed ineligible for rehire for a minimum of three years from the date of separation. The separation reason may include (but is not limited to) institutional harassment policy violations, conviction of a crime, credentials falsification, or acts of workplace violence.

Conditional: Employees who separate from the USG with a less than satisfactory work record due to violations of relevant BOR policies and procedures, including resignations in lieu of discharge, or who are terminated for reasons other than criminal behavior, acts of violence or serious policy violations, are generally not rehire eligible for at least 12 months from the date of separation. The separation reason may include (but is not limited to) unsafe work practices, workplace disruptions, loss of required credentials or discharge due to inappropriate conduct (e.g., violations of the USG Ethics Policy), or unsatisfactory performance. Upon completion of this minimum separation period, the hiring institution will have no obligation to consider a former employee (designated as “conditional”) for future employment, but will however have the discretion and authority to determine that rehiring a former employee designated as “conditional” is in the best interest of the institution (and the USG as a whole).

This determination should include carefully considering such factors as the amount of time that has passed since the previous separation, any evidence of improved performance from other employers in the interim, similarities and differences between the current potential job and the previous job from which the applicant was separated, and any other mitigating circumstances explained by the applicant.

Process and Procedures

Conditional or Ineligible for Rehire Designations

Each employee’s immediate supervisor is responsible for initiating the eligibility review at the time of separation. Conditional designations must be approved by the college or division’s highest level administrator (such as dean or vice president) and the institution’s CHRO or

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respective designee(s). Ineligible for rehire designations must also be approved by the terminating institution's president or designee(s), and must also be submitted for approval by the System Office Human Resources department. Ineligible for rehire designations for employees separating from the System Office require approval by the Chancellor's or designee(s).

Institutions should maintain copies of any documentation or evidentiary matter (e.g., hotline investigator report, special review, etc.) used to support rehire designation. For ineligible for rehire designations, such documentation should be included with the System Office approval request submission.

Eligibility Designation Change Request

After the requisite period of time has passed since a conditional or ineligible for rehire separation designation, a former employee may submit a letter to the System Office Human Resources Department requesting removal of the designation. The request should outline the reasons why the former employee believes the prior designation should be changed. The employee must include evidence or information that demonstrates the employee has established a positive work record elsewhere. Two letters of recommendation should accompany the former employee's request. The System Office HR department will review the request and consult with the former employee's institutional HR department and the administrators who endorsed the designation.

The System Office HR department will also be responsible for responding to the former employee within ten (10) business days of the request. Should the request be granted, the System Office HR department will submit the designation change through the appropriate protocols (including system updates). This decision may be appealed through the established institutional and USG procedures.

Eligibility Designation Verification

As part of its recruitment process, each institution is required to include a prior USG employment question on their employment application.

- Should the applicant answer affirmatively:
 - The institution is required to confirm the rehire eligibility designation before considering the applicant.
 - For applicants deemed "eligible for rehire," the hiring institution must also conduct reference checks, including at least one reference from the former USG institution.
- If the applicant's designation status is ineligible for rehire or conditional, the hiring institution must notify the applicant and direct them to the System Office Human Resources department to submit an eligibility designation change request.

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- Under no circumstances will an institution consider an applicant designated ineligible for rehire or conditional. Once the applicant's designation change request is approved and the official system of record is updated to rehire eligible status, only then may the applicant be considered.
- Employees are expected to provide a complete and accurate record of previous employment. In accordance with the USG Background Investigation policy, any misrepresentation or falsified application materials may disqualify a candidate from consideration. If the misrepresentation is discovered after hire, the employee may be subject to disciplinary action, up to and including termination.

Reference Checking and Information Disclosure for USG Applicants

In accordance with the institutional hiring procedure, a reference check must be conducted (which must include a reference check with the prior USG institution(s) where the applicant was employed).

The following disclosure provisions also apply:

- Institutions are expected to disclose to one another reference information that is factual, job-related, and not confidential.
- Under Georgia law, employers that disclose factual information to a prospective employer regarding an employee's or former employee's job performance or ability to carry out their duties are presumed to be acting in good faith, unless confidential information is disclosed or a preponderance of evidence shows lack of good faith.
- Institution Human Resources staff and other officials designated by an institution may provide the requested reference.

Responsible Parties and Contact Information

| Party | Responsibility | Phone/Email/URL |
|---|---|--|
| Vice Chancellor for Human Resources, USG | Establish and maintain HRAP policies and guidelines. Provide guidance to Institutions to ensure compliance. | 404-962-3235 usg-hr@usg.edu |
| Institution Chief Human Resources Officers | Develop, implement, and monitor institution level policies to ensure compliance. | See University System HR Officer Listing |

Appendices (Internal Documents, Forms and Web Links)

- HRAP - General Criteria for Employment
- HRAP - Dismissal, Demotions or Suspensions
- HRAP - Grievance Policy
- HRAP - Resignations

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- [Eligibility for Rehire Request Form](#)
- [Board Policy 6.26 Application for Discretionary Review](#)
- [Board Policy 8.2.18.1 Ethics Policy](#)
- [Board Policy 8.3.9 Discipline and Removal of Faculty Members](#)
- [Fraud, Waste, and Abuse Reporting](#)
- [Business Procedures Manual 16.4 Reporting Wrongdoing](#)

Related Documents and Resources (External)

- O.C.G.A. § 34-1-4 (Employer immunity for disclosure of information regarding job performance)

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