

CITY OF CHICAGO

POLICY REGARDING INELIGIBILITY FOR REHIRE

Effective Date: May 6, 2024

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 and that all policies are fair and equitable. The IFR designation is a hiring standard and designation, not a disciplinary action.

II. Overview

This Policy clarifies when former employees will be designated Ineligible for Rehire and outlines the notification and appeal processes in place regarding the Ineligible for Rehire designation.

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 (“DHR Commissioner”) or their designee.

III. Definitions

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

“Independent investigation” is an investigation done by a City agency, a 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 Division (“DHR EEO”), the Chicago Police Department’s Bureau of Internal Affairs (“CPD BIA”), and the Chicago Fire Department’s Internal Affairs Division (“CFD IAD”).

“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.

“Resigned or Retired Under Inquiry” occurs when an employee resigns or retires from City service while under investigation by an independent investigatory agency prior to the conclusion of that investigation.

“Serious misconduct” means conduct that is a violation of the Personnel Rules, and/or the Chicago Police Department’s Rules and Regulations, and/or other departmental rules that govern conduct where such conduct is or may be deemed a reason to terminate an employee.

IV. Ineligible for Rehire Process and Procedures

A. Former employees who will receive Ineligible for Rehire designations

A former employee of the City shall be deemed Ineligible for Rehire by the City if the employee's separation from City employment results from one of the following employment actions or one of the following circumstances are present:

1. Termination or discharge of any employee for violation of the City's Personnel Rules, and/or the Chicago Police Department's Rules and Regulations, and/or other departmental rules that govern conduct, as documented by the operating department at the time of termination or discharge (applies to career-service employees and non-career service employees).
2. Resignation or Retirement in lieu of termination or discharge.
3. Employees who resign or retire under inquiry and the investigation ultimately substantiates serious misconduct by the employee. This would cover the period up until employees are provided with notice of the charges or otherwise informed in a formal disciplinary setting that they will be discharged or terminated. If notice of the charges has already been provided or the employee was otherwise informed of the impending discharge or termination, the employee is considered to have resigned or retired "in lieu of termination or discharge." Employees who resign or retire under inquiry will be designated IFR only if the investigation substantiates serious misconduct.
4. It is discovered that the former employee had engaged in serious misconduct as defined under Section III of the Policy, while still employed with the City.

Operating departments must submit a memo to the Department of Human Resources detailing the violations of the City's Personnel Rules, and/or the Chicago Police Department's Rules and Regulations, and/or other departmental rules that govern conduct, and attach substantiating documents for a former employee to be designated Ineligible for Rehire. Operating departments must check the applicable box on the Department of Human Resources End of Employment form which designates the former employee as Ineligible for Rehire. The Department of Human Resources will work with City departments to ensure that the appropriate documentation is included in the former employee's personnel file.

Ineligible for Rehire designations will be maintained by the DHR Commissioner or the DHR Commissioner's designee.

B. Notification

The City, via a written notice mailed to their home addresses from the Department of Human Resources, will notify employees that they are Ineligible for Rehire (IFR) at the following times:

1. When the employee is terminated or discharged for violation of the City's Personnel Rules, and/or the Chicago Police Department's Rules and Regulations, and/or other departmental rules that govern conduct.
2. When the employee resigns or retires in lieu of discharge.
3. When an investigation substantiates that the former 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.

4. When it is discovered that the former employee had engaged in serious misconduct while still employed with the City, in accordance with Section IV. A. 4. of the Policy.

Except in cases that present legitimate privacy or safety concerns, information forming the basis for the IFR designation shall be included in the notice with appropriate redactions if necessary.

C. Requests for Removal of IFR Designation

Former employees who are Ineligible for Rehire may petition the DHR Commissioner or their designee for removal of the IFR designation by submitting a request in writing with supporting documentation to the Department of Human Resources via mail or email. The petition must include all reasons why the cause for the IFR designation is no longer valid or should be excused. Reasons for removal of the IFR designation include, but are not limited to, 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 must be submitted. No appeals may be delivered in person or via phone. Any attempt to influence the DHR Commissioner or their designee outside of the process described above in this paragraph is forbidden.

The DHR Commissioner or their designee shall give due consideration to subsequent remediation or subsequent evidence that supports the removal of the IFR designation. The DHR Commissioner shall also give due consideration to the reason for the discharge or termination, the nature of the misconduct that gave rise to the termination, and/or the reason for the IFR designation.

A request to remove the IFR designation may be made no earlier than one year after the designation was placed; however, the DHR Commissioner or their designee will consider a request to remove the designation earlier if the basis for the request is that the designation was made in error. A request for removal of the IFR designation may be made only once every two (2) years. The DHR Commissioner's or designee's decision whether to remove the designation is final and discretionary.

V. Resignation or Retirement Under Inquiry Process and Procedures

A. Former employees who receive a Resigned or Retired Under Inquiry designation

A former employee of the City of Chicago will be deemed Resigned or Retired Under Inquiry in instances where the employee resigned or retired from City service while they were the subject of an 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 DHR Commissioner.

The Resigned or Retired Under Inquiry designation shall be used for the sole purpose of the Department of Human Resources 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.

A Resigned or Retired Under Inquiry designation shall not result in an Ineligible for Rehire designation unless the investigation results in findings that the former employee engaged in serious misconduct.

If a former employee who is designated Resigned Under Inquiry is rehired, and the investigation subsequently substantiates serious misconduct, this policy will not affect the City's ability to discharge or terminate this employee for the misconduct, subject to any applicable collective bargaining agreements.

B. Removal of Designation

The Resigned or Retired 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 substantiates 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 DHR Commissioner that the former employee should no longer be designated as having Resigned Under Inquiry.