

STANDARD ADMINISTRATIVE PROCEDURE

32.02.02.M0.03 Employees Not Eligible for Rehire Designation

Approved January 6, 2012

Revised March 28, 2014

Next scheduled review March 28, 2017

Reason for Standard Administrative Procedure

Texas A&M University has a responsibility to hire fully qualified individuals and to minimize risk to the university. This SAP establishes the procedure to identify and to designate individuals who have been dismissed or have separated from the University as not eligible for rehire (NEFR) with Texas A&M.

This SAP applies to all nonfaculty employees of Texas A&M. Texas A&M employees in positions requiring student status are excluded from this SAP.

Procedures and Responsibilities

The NEFR designation must comply with state and federal laws.

1. CRITERIA FOR NOT ELIGIBLE FOR REHIRE (NEFR) DESIGNATION

An employee who is dismissed or has separated from Texas A&M University may be designated ineligible for rehire at the University for one or more of the following reasons:

- 1.1. Dismissal as a result of progressive discipline where the employee has demonstrated a failure to meet job-related expectations.
 - 1.1.1 For purposes of this procedure, a distinction is made between an individual's *failure* to perform and an *inability* to perform.
 - 1.1.1.1. Failure to perform indicates a willful/purposeful decision to not meet job performance expectations.
 - 1.1.1.2. Inability to perform recognizes the potential for impact of circumstances outside the employee's control, such as medical or skill level limitations, on the individual's job related performance and will not qualify an individual as NEFR.

- 1.2. Dismissal as a result of gross misconduct resulting in policy violation warranting immediate dismissal (examples include theft, violence/threat of violence, alcohol/drug policy violation, moral turpitude, and other conduct demonstrating unfitness for the job).
- 1.3. The NEFR designation of individuals who have been dismissed or have separated from the University is in the best interest of Texas A&M.

2. PROCESS

- 2.1. In accordance with University SAP 32.02.02.M0.02, *Discipline and Dismissal Procedures for Nonfaculty Employees*, section 2, the Employee Relations Office will review the request for dismissal from Texas A&M, and based on the criteria in section 1 of this procedure, determine whether or not an individual is designated NEFR.
- 2.2. A designation made under subsection 1.3, above, will be made on a case by case basis in consultation with the Associate Vice President for Human Resource and Administrative Services (AVP HRAS), or designee, and the Office of General Counsel (OGC).
- 2.3. Employee Relations will provide Recruitment and Workforce Planning with the employee's name, UIN, department, effective date of dismissal or separation and period of NEFR designation.
- 2.4. Recruitment and Workforce Planning will retain the employee NEFR information provided by Employee Relations.
 - 2.4.1 This information will be retained for a period of five (5) years following the date of dismissal or separation.
 - 2.4.2 Information for any individual may be retained for an additional five (5) years, or indefinitely, if determined to be in the best interest of Texas A&M and specified in the notification to the employee.
- 2.5. For the designated period (5 years or longer) future applications by this individual for employment with Texas A&M will not be referred to the hiring supervisor/department.
 - 2.5.1 During the NEFR period the applicant is considered as not meeting qualifications for any position, and therefore, not referred.

3. APPEAL OF A NEFR DESIGNATION

- 3.1. An individual designated NEFR may appeal that determination through the available Texas A&M complaint and appeal procedures.

4. RESPONSIBILITIES

- 4.1. Employee Relations will ensure that individuals designated NEFR will be given notice of this designation and its duration at the time of dismissal or separation.
- 4.2. Human Resources will ensure the widest dissemination of information regarding this program by including material in training courses and seminars, employment guides, and other broad information sources.

Related Statutes, Policies, or Requirements

[System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)

[Standard Administrative Procedure 32.02.02.M0.02 - Discipline and Dismissal Procedure for Nonfaculty Employees](#)

[University Rule 32.01.02.M1- Complaint and Appeal Procedure for Nonfaculty Employees](#)

Contact Office

For more information or clarification on this standard administrative procedure, contact [Human Resources, Employee Relations](#), (979) 862-4027, or by email at employee-relations@tamu.edu.

OFFICE OF RESPONSIBILITY: [Human Resources](#)