



## HRM-031 Employees Ineligible for Rehire

**Effective Date** Friday, February 25, 2022

**Status** Final

**Policy Type** [University](#)

**Contact Office**

[UVA Human Resources](#)

**Oversight Executive**

[Vice President and Chief Human Resources Officer](#)

**Applies To**

Academic Division The College at Wise

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**Reason for Policy**

The University of Virginia (University) is committed to maintaining an effective, safe, and secure environment for those who live, learn, and work here. Toward that end, the University has a responsibility to hire only fully qualified individuals and to minimize risk to the University. This policy provides guidance to managers and to UVA Human Resources for determining whether an employee or former employee is Ineligible for Rehire.

**Definition of Terms**

**Designated Hiring Official**

An individual who is authorized to extend a conditional offer of employment to individuals on behalf of the University. The president, vice presidents, academic deans of the University's schools, and the University librarian are designated hiring officials. Hiring authority may be delegated in writing by one of these individuals with the approval of the president or the appropriate vice president.

**Employee (6)**

University and Classified Staff employed by the University in any capacity, full-time or part-time, and all those employees in a wage or temporary status. (This definition is used only in HRM-031.)

## Ineligible for Rehire

University employees terminated for serious misconduct or behavior or policy violations may be deemed Ineligible for Rehire in any type of University employment.

## Ineligible for Rehire Period

Ineligible for Rehire periods are based on the reason or reasons for the involuntary termination or separation. The recommended time frames that employees shall be ineligible for rehire range from one to five years and may include permanent disqualification from University employment.

## Trespass Warning

A written notice issued by the University of Virginia Police Department, the UVA Medical Center, the Division of Student Affairs, or Office for Equal Opportunity and Civil Rights that warns a person that they are not permitted to enter or remain upon the University or UVA Medical Center property described in the Trespass Warning.

## Policy Statement

Employees may be deemed Ineligible for Rehire if their separation from employment was based on or preceded by such conduct including but not limited to serious misconduct or intentional violation of University policy.

The purpose of this policy is only to determine eligibility for rehire. **Nothing herein shall be construed to authorize supervisors or UVA Human Resources to modify any prior discipline imposed by the University**

### 1. Determination Regarding Ineligibility for Rehire:

The employee's supervisor (at the time of termination) is responsible for determining whether an employee is Ineligible for Rehire.

- a. Supervisors shall confer with their supervisor as well as the School or Unit's Human Resources Business Partner and UVA Human Resources to determine whether an employee is Ineligible for Rehire.
- b. UVA Human Resources shall review the supervisor's determination and review the *No Trespass List* maintained by the University Police Department when conferring with supervisors about the decision.
- c. Once a determination has been made, the supervisor shall document the decision in the applicable Human Resources Management System (HRMS) and notify the employee of the decision.

### 2. Criteria Applicable to Process:

An employee who is dismissed or has separated from the University may be Ineligible for Rehire under the following circumstances.

- a. Termination for cause resulting from misconduct, behavioral, or policy violations (examples include but are not limited to theft, violence or threat of violence, alcohol or drug policy violations, or other misconduct demonstrating unfitness for the job).
- b. Resignation or retirement in lieu of termination for cause, including resignation or retirement during pendency of any actions to terminate employment or during an investigation for misconduct.
- c. The employee has been issued a Trespass Warning by the University Police Department.

### 3. **Post Separation Disqualification Based Upon Misconduct:**

The University may also exclude from future employment former employees whose misconduct is discovered by the University after separation from service. In such case, the University shall provide notice to the former employee of the circumstances leading to such decision.

### 4. **Process:**

- a. Supervisors shall disclose to UVA Human Resources all employee termination actions that render the individual Ineligible for Rehire due to serious misconduct, intentional violation of policy, or dismissal resulting from progressive discipline where the employee failed to meet job-related expectations.
- b. UVA Human Resources shall provide Talent Recruitment with the names of those employees who have been determined to be Ineligible for Rehire.
- c. During the designated Ineligible for Rehire Period, the applicant is considered disqualified for any position and therefore shall not be referred to the School or Unit's Designated Hiring Official.

### 5. **Notification and Administrative Reconsideration:**

- a. At the time of separation from University service, an employee designated as Ineligible for Rehire shall be notified in writing by UVA Human Resources.
- b. The employee determined to be Ineligible for Rehire may seek reconsideration of this determination by notifying the Assistant Vice President for Human Resources or designee in writing within 10 calendar days after receipt of the notification.
- c. Former employees whose misconduct is discovered by the University **after** separation from service and designated as Ineligible for Rehire (see Section 3) shall be notified in writing by UVA Human Resources. In such cases, the former employee determined to be Ineligible for Rehire may seek reconsideration of this determination by notifying the Assistant Vice President for Human Resources or designee in writing within 10 calendar days after receipt of the notification.
- d. Within 30 calendar days from the date of the employee's written request for reconsideration, the employee may deliver a written statement to the Assistant Vice President for Human Resources or designee explaining the reasons the employee believes the Ineligible for Rehire determination is not warranted. The written statement shall include all information the employee wishes the University to consider when reconsidering the Ineligible for Rehire determination.
- e. The Assistant Vice President for Human Resources or designee will review the matter and issue a decision on behalf of the University within 45 calendar days from the date of receipt of the written statement from the employee. The decision shall be final and may uphold, reverse, or modify the proposed determination of Ineligible for Rehire.

### 6. **Responsibilities:**

The *employee's supervisor* is responsible for:

- In consultation with their supervisor, the Human Resources Business Partner and UVA Human Resources, determining whether an employee is Ineligible for Rehire.
- Documenting the decision in the HRMS.
- Notifying the employee of the decision to be deemed Ineligible for Rehire.

*UVA Human Resources* is responsible for:

- Conferring with the supervisor and Human Resources Business Partner and reviewing the *No Trespass List* to determine the designation of Ineligible for Rehire.
- Providing written notice to individuals who are designated Ineligible for Rehire including its duration at the time of dismissal or separation.

- Notifying Talent Recruitment of those individuals who have been designated Ineligible for Rehire.
- Disseminating information regarding this policy by including materials in training courses and seminars, employment guides, and other informational resources.

**7. Compliance with Policy:**

Failure to comply with the requirements of this policy may result in disciplinary action up to and including termination in accordance with relevant University policies.

Questions about this policy should be directed to [UVA Human Resources](#).

**Related Information**

[PRM-018: Issuance of Trespass Warnings](#)

**Major Category** [Human Resource Management](#)

**Next Scheduled Review** Sunday, March 23, 2025

**Applies To Text**

Academic Division and the College at Wise.

**Last modified** February 5, 2024 - 3:07pm

**Approved By** Policy Review Committee

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