



CHICAGO PARK DISTRICT

Ineligible for Rehire Policy

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I. Purpose and Overview

This Ineligible for Rehire Policy ("Policy") is intended to communicate procedures regarding ineligibility for rehire at the Chicago Park District ("Park District") and to provide general criteria as to what situations or circumstances could lead to a designation of Ineligible for Rehire.

II. Scope and Applicability

- A. This Policy sets forth the circumstances for Former Employees being designated Ineligible for Rehire, Resigned or Retired Under Inquiry, or Eligible for Rehire and outlines notice and appeal processes for these designations.
- B. This Policy will follow the processes applicable as set forth in any collective bargaining agreement.
- C. Former Employees designated as Ineligible for Rehire will receive notice of the designation and can request removal of the designation by petitioning the Director of Human Resources. An Employee's designation is subject to disclosure under the Personnel Record Review Act, the Illinois Freedom of Information Act, any appropriate law or release, or at the Park District's discretion.
- D. Former Employees with an Ineligible for Rehire or Resigned Under Inquiry designation are ineligible to volunteer with the Park District without specific approval as provided in subsection V(C).
- E. Absent a written information sharing agreement with another governmental entity or as otherwise required by law, subpoena, or lawful court order, the underlying reasons for the Ineligible for Rehire designation of a Former Employee shall not be shared with a prospective employer; only the Ineligible for Rehire designation will be shared. Resigned Under Inquiry designations shall not be shared.
- F. The Ineligible for Rehire list shall be maintained by the Director of Human Resources.
- G. This Policy shall be posted on the Park District's website.
- H. Applicants for employment with the Park District shall identify on their application whether previous employers have designated them as not eligible for rehire. The Park District shall evaluate such candidates for hire on a case-by-case basis.

III. Definitions

Director of Human Resources: The director of the department of Human Resources of the Chicago Park District or the director's designee(s).

Employee: An employee of the Park District, including part-time, full-time, and seasonal.

Former Employee: Individuals who were previously employed by the Park District.

Investigation: A documented inquiry into Employee conduct containing findings and recommendations by either the Office of Inspector General ("OIG") or the Office of Prevention and Accountability ("OPA") of the Chicago Park District.

Park District: The Chicago Park District.

Seasonal Positions: Positions that are for seasonal employment not to exceed six months in duration.

Separation: An employment action in which the Employee's work with the Park District ends. Separations include Terminations and Voluntary Resignations.

- **Termination:** A Separation initiated by the Park District.
- **Voluntary Resignation:** A Separation, including retirement, initiated solely at the will of the Employee for reasons other than wrongdoing, misconduct, rule violation, or in lieu of termination.

Serious Misconduct: Conduct that is a violation of Group A actions as set forth in the Guidelines for Discipline established by the Personnel Board in the Employee Code of the Chicago Park District.

IV. Ineligible for Rehire

The Park District's Human Resources Department shall determine if a Former Employee is Ineligible for Rehire; and if applicable, the conditions associated with the Ineligible for Rehire designation. Absence of Ineligible for Rehire designation does not guarantee employment with the Park District.

A. Rehire Designations

All Former Employees, with the exception of those separated from a Seasonal Position for low performance appraisal, shall have one of the following designations maintained by Human Resources.

1. Ineligible For Rehire. A Former Employee shall be designated Ineligible for Rehire if the Former Employee's Separation results from one of the following employment actions:

- a. Termination of an Employee, including but not limited to termination based on conduct that involved one or more of the following:
 - i. Serious Misconduct;
 - ii. Conviction or adjudication of guilty of a criminal offense or a civil judgment in the course of duties as an Employee in connection with improperly obtaining, attempting to obtain, or performing a governmental action;
 - iii. Violation of any statute referenced in the Chicago Park District Act, [70 ILCS 1505/16a-5](#);
 - iv. Making false statements to a Park District official in the course of an Investigation;
 - v. Any conduct by the Employee which results in a sustained finding by the OIG or OPA and subsequent termination.
- b. Resignation or Retirement in Lieu of Termination. Former Employees who:
 - i. Resigned or retired after having been served with charges or after having been otherwise informed by the Park District of the intention to terminate the Employee;
- c. Temporary Designation. A Former Employee who is the subject of an Investigation into Serious Misconduct that commences following their resignation or retirement will be temporarily designated as Ineligible for Rehire during the pendency of the Investigation. If the Investigation determines the allegations are unsubstantiated, the employee will be notified of the same, and the designation will be removed. If the Investigation substantiates the allegations, the Former Employee shall be designated as Ineligible for Rehire.

2. Resigned or Retired Under Inquiry Prior to Completion of an Investigation. A Former Employee may be deemed Resigned or Retired Under Inquiry when they resign or leave Park District service while they are the subject of an active Investigation, but prior to the issuance of an investigative report or the conclusion of the Investigation.

- a. Upon the written request of an investigatory department to the Director of Human Resources, a Former Employee shall be designated Resigned or Retired Under Inquiry, and a copy of such request shall be retained in the Former Employee's personnel file.

- b. If a Former Employee designated as Resigned Under Inquiry applies for re-employment with the Park District and otherwise meets the eligibility requirements for the position, Human Resources shall notify the applicable investigatory department of the Former Employee's application.
- c. The Resigned Under Inquiry designation may be removed if one of the following occurs:
 - i. The Investigation substantiates the alleged misconduct by the Former Employee in which case the Former Employee shall be designated as Ineligible for Rehire and the notice procedures set forth in subsection IV(B) take effect.
 - ii. The Investigation does not substantiate the allegations, or they are not of a nature to warrant Ineligible for Rehire status. The investigatory department shall so advise Human Resources and the Former Employee shall be classified as Eligible for Rehire.
 - iii. The investigatory department otherwise notifies the Director of Human Resources that it recommends that the Former Employee should no longer be designated as having Resigned Under Inquiry. The investigatory department shall so advise Human Resources and the Former Employee shall be classified as Eligible for Rehire.

3. Eligible for Rehire (Including Voluntary Resignation). Former Employees who Voluntarily Resign their employment with the Park District, retire from the Park District, or are otherwise not deemed ineligible after Separation from the Park District are eligible for rehire consideration immediately following their Separation.

B. Notice of Ineligible for Rehire Status

- 1. A copy of this Policy shall be posted on the Park District's website.
- 2. The Department of Human Resources shall give written notice to Former Employees that they will be Ineligible for Rehire:
 - a. At the time of the Employee's dismissal is sought through termination, as outlined in subsection IV(A)(1) of this Policy;
 - b. At the time the Employee Resigns or Retires in Lieu of Termination; or,
 - c. At the time 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 shall be included in the notice with appropriate redactions, if necessary.

3. The written notice shall include a link to or copy of this Policy, which includes appeal rights.
4. Following the adoption of this Policy, in the event one or more of the foregoing notices is not given, the Director of Human Resources shall take appropriate remedial action by notifying the Former Employee as soon as practical after the lack of notice is discovered. The failure to give notice shall not affect the underlying Separation or the Former Employee's eligibility for rehire.

V. Removing Ineligible for Rehire Designation

A. Authority

Eligibility for rehire is a hiring standard that is within the sole discretion of the Park District to establish and has been delegated to the Director of Human Resources, with the approval of the General Superintendent under the Code of the Chicago Park District, Chapter V, Section A.2.

B. Requesting Removal of Ineligible for Rehire Designation

1. A request to remove the Ineligible for Rehire designation may be made on or after one (1) year has passed from the date of designation. A request may be made sooner than one (1) year if the Former Employee believes that the designation was made in error. However, the Director of Human Resources will consider a request for removal of the designation by the Former Employee only once every twelve (12) months. All requests to remove the Ineligible for Rehire designation must adhere to the rules set forth in this section.
2. Former Employees who are Ineligible for Rehire may petition the Director of Human Resources or their designee for removal of the designation by submitting a request in writing to IFRappeals@ChicagoParkDistrict.com or by mailing the request to the address below with supporting documentation:

Chicago Park District
Director of Human Resources
Re: Appeal of Rehire Status
4830 S. Western Ave.
Chicago, IL 60609

No appeals may be delivered in person or via phone.

3. The petition must include:
 - a. All reasons and any supporting evidence as to why the designation is no longer valid or should be excused. Reasons for removal of the designation include, but are not limited to:
 - i. Changed circumstances such as additional experience, additional education or training.
 - ii. A period of good work performance from another employer, or
 - b. Evidence in support of the reasons for removal of the designation. Evidence may include letters of recommendation.
 - c. The Former Employee's current mailing and email address.
4. If the Former Employee is a member of a bargaining unit, the exclusive representative may submit information to be considered in support of removal of the Ineligible for Rehire designation.
5. The Director of Human Resources shall give due consideration to any applicable collective bargaining agreement, any exigent circumstances, subsequent remediation, or subsequent evidence or circumstances that supports the removal of the Ineligible for Rehire designation. The Director of Human Resources shall also give due consideration to the reason for the termination, and the nature of the misconduct that gave rise to the termination.
6. After review of the petition, a signed notice of decision will be issued via letter or email. The decision will state whether the Ineligible for Rehire status shall be removed or remain in place and the rationale for the removal or continuation. Where appropriate, the notice may also remove the Ineligible for Rehire status in limited part, potentially allowing the Former Employee to serve as a volunteer as referenced in subsection V(C) of this Policy but not to be eligible for employment. A copy of the decision shall be retained in the petitioner's personnel file.
7. The Director of Human Resources' decision whether to remove the designations is final and discretionary.

C. Removal Requests Limited to Volunteer Status

1. A prospective volunteer's Park District work history, including their Ineligible for Rehire status, is reviewed at time of a volunteer application. Former Employees who have an Ineligible for Rehire designation are not eligible to volunteer.

2. In the event a Former Employee is only interested in volunteering for the Park District and is not challenging their Ineligible for Hire status for future employment purposes, the Former Employee may submit an Ineligible for Rehire removal petition limited to their volunteer status.
 - a. This must be made clear in the petition. It is recommended that the following language is included in the petition: "I am requesting that I be allowed to volunteer at the Park District and understand that the Ineligible for Rehire designation will remain for future employment purposes."
 - b. Former Employees are eligible to submit an Ineligible for Rehire removal petition limited to their volunteer status on or after one (1) year has passed from the date of designation, unless the Former Employee believes that the designation was made in error. However, the Director of Human Resources will only consider a request for removal of the designation limited to their volunteer status by the Former Employee directly only once every twelve (12) months.