

<p><b>TUCSON UNIFIED</b> SCHOOL DISTRICT</p> <p><b>GOVERNING BOARD POLICY</b></p>	<p><b>POLICY TITLE:</b></p> <p>Eligibility for Rehire</p>
	<p><b>POLICY CODE: GBQ</b></p>

**Policy Statement**

Employees who leave TUSD in good standing (break in service from a regular position due to resignation, layoff or, in some cases, discharge) and later want to return are eligible for consideration for rehire. In order to fulfill its commitment to an effective, safe, and secure environment for students, employees, community members and volunteers, TUSD may exclude from future employment former employees or volunteers whose separation from TUSD employment occurred under circumstances that would constitute a serious violation of TUSD policy.

**Scope**

This policy applies to all District employees. For purposes of this policy, “employees” also refers to volunteers.

**Consultation before Determining Not Eligible for Rehire**

Supervisors, in consultation with Human Resources, shall make the initial recommendation to the Superintendent as to whether an employee is not eligible for rehire. If a separation agreement is negotiated with the employee, it will clearly state whether or not the employee is eligible for rehire, consistent with the guidance in Exhibit GBQ-E.

**Written Notice to Former Employees**

If the Superintendent concurs with a recommendation that an employee be designated as ineligible for rehire, then ~~the~~ Superintendent shall notify the former employee in writing within thirty (30) business days after the individual's separation from Tucson Unified (or thirty [30] business days after the District's post-separation discovery of serious conduct warranting ineligibility) that the individual is ineligible for rehire with Tucson Unified. The written notice shall be delivered by certified mail. The notice shall provide the rationale for the determination that the employee is ineligible for rehire. In the Superintendent's discretion, the notice may include conditions that the former employee may meet or establish a set time period to pass for the former employee to become eligible for

rehire with the District. The notice shall include a copy of this Policy GBQ in order to inform the former employee of the rights afforded under this Policy.

**Request for Review**

The former employee may seek a review of her/his rehire eligibility status from the Superintendent. The written Request for Review must be received by the Superintendent within ten (10) business days after the date of final delivery to the former employee's last known address, as shown on the certified mail return receipt receipt of the written notification. The former employee's written Request for Review must include all information she/he wishes the Superintendent to consider in seeking to reverse the decision to make the employee ineligible for rehire. The purpose of the review is limited to whether or not the circumstances surrounding the employee's separation from the District warrants a determination of ineligibility for rehire. It is not intended to provide an opportunity to reconsider the termination. This policy grants no additional due process rights other than those already conveyed by state law, employee agreements and board policy.

**Superintendent Review**

The Superintendent will review the Request for Review and notify the former employee in writing of his/her final Determination concerning the individual's eligibility for rehire, within thirty (30) business days after receipt of the individual's request for review.

The Superintendent will limit the review to currently existing District documentation of prior investigations and discipline and, in the discretion of the Superintendent, discussions with the former employee's supervisor or administrator, and the former employee.

**Superintendent Determination**

The Superintendent shall make the safety of District students and personnel, as well as removal of potential disruptions to the educational environment, a priority in all determinations. This means that should the Superintendent articulate conditions for re-employment eligibility, or choose to set a time period for the individual's ineligibility for rehire status to expire, the written Determination shall make explicit the conditions for return, and the ways that safety for students and employees, as well as minimizing disruptions to the educational environment, have been adequately addressed under those conditions.

**Appeal**

Should a former employee wish to appeal the Superintendent's Determination to the Governing Board, she/he must submit a written appeal to the Governing Board Office and Superintendent within ten (10) working days of receiving the Superintendent's written Determination. Hearing of the Appeal by the Governing Board will be scheduled at the Governing Board's convenience. In its discretion and within the requirements of the Open Meeting Law, the Governing Board may discuss the former employee's employment history and circumstances of separation in a properly convened executive session, but any decision on the appeal shall be made in an Open Meeting.

**Record Keeping of Notification and Review process**

The District shall maintain records of the Notification and Review process for every former employee who is considered ineligible for rehire in Tucson Unified.

**Verification of Rehire Status**

Human Resources will verify eligibility for rehire before forwarding an application to a hiring manager. The hiring manager will be advised of the former employee's eligibility for rehire and the requirement to check references, including review of the former employee's TUSD employment record and contacting the previous TUSD supervisor before extending an offer of rehire.

**Exhibit GBQ-E**

Exhibit GBQ-E provides examples of reasons for leaving TUSD and a corresponding classification of eligibility for rehire. These reasons are not all-inclusive

**Notification at Time of Separation**

A copy of this Policy shall be provided to employees in advance of signing a separation agreement.

Adopted: \_\_\_\_\_

**LEGAL REF.:**

**CROSS REF.:**

Policy GCAA – Application for Position  
Policy GBJ – Personnel Records and Files