

## 7.75 –Ineligibility for Rehire Designation v010319

### PART 1: PURPOSE

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This rule protects NMSU from rehiring former employees who separated from NMSU due to improper or incompetent conduct detrimental to the mission and interests of the university, or while under scrutiny due to allegations of such conduct.

### PART 2: INELIGIBILITY DESIGNATION

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An individual who voluntarily or involuntarily separates from NMSU employment under any of the following circumstances are designated as ineligible for rehire: (1) the employment at NMSU is terminated for just cause, (2) the individual resigned or retired while the subject of an investigation into allegations of serious misconduct or after a pre-termination notice had been issued to the individual, or (3) where serious misconduct by the individual is discovered and substantiated after the employee resigns or retires. For misconduct discovered after the separation to result in a designation of ineligibility for rehire, the misconduct must be of such a nature that it would have supported an involuntary termination under the applicable disciplinary policy and procedures.

### PART 3: PROCESS

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- A. **Effectuating Designation.** Consistent with Parts 1 and 2 above, when circumstances warrant a designation of ineligible for rehire, the director of Human Resources Services – Employment and Labor Relations (HRS-ELR) will effectuate the designation in the appropriate personnel record.
- B. **Petition for Reinstatement:** Any individual who has been designated as ineligible for rehire may petition for reinstatement of eligibility. In cases where the individual believes that the designation was improper, the individual may petition at any time. In other cases where the designation was initially valid, after a period of one year has elapsed, the individual may petition for reinstatement of eligibility based upon a change of circumstances indicating that (1) the individual is unlikely to repeat the conduct resulting in the designation, and (2) is capable and likely to make a positive contribution to some aspect of the university mission. The affected individual may contest the designation as ineligible for rehire or petition for removal of the designation by submitting a written Petition for Ineligibility Review to the associate vice president for human resource services (AVP HRS), along with any supporting documentation.
- C. **Response to Petition:** Within 30 days after receipt of the petition, the AVP-HRS will review the petition and any submitted information, will make any further inquiries considered appropriate, and will issue and will make a decision to grant or deny the petition. Where the petition is denied, the matter is closed and another petition may not be filed for a period of one year. Where the petition is granted, the AVP-HRS will cause the designation to be removed from the individual's personnel record and the individual will be notified of their renewed eligibility for employment at New Mexico State University.