

**CHIEF EXECUTIVE OFFICER'S GUIDELINES  
FOR DESIGNATING SEPARATED EMPLOYEES AS  
INELIGIBLE FOR REHIRE**

**Effective July 1, 2011**

**Amended May 21, 2021**

## **I. PURPOSE**

As part of its effort to recruit and hire the best talent, the District designates employees as detailed in Section II below as ineligible for rehire or “do not hire” (DNH). Eligibility for rehire is a hiring standard that is within the sole discretion of the Board to establish. That authority has been delegated to the Chief Executive Officer (CEO) under Board Rule 4-1. The DNH designation is a hiring standard and designation, not a disciplinary decision. These Guidelines memorialize the parameters for designating separated employees as DNH and the process for removing the designation.

The 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 District’s discretion. Additionally, separated employees with the DNH designation are ineligible to volunteer with CPS or work as a CPS vendor employee. In the event a prospective employer contacts CPS regarding eligibility for rehire, the DNH designation will be shared.

## **II. SEPARATED EMPLOYEES WHO WILL RECEIVE DNH DESIGNATIONS**

1. Employees dismissed for cause, including non-union employees who fail to successfully complete a Performance Improvement Plan.
2. Employees who voluntarily resign or retire while dismissal charges or actions are pending or in lieu of dismissal.
3. Employees who separated from employment and an investigation ultimately substantiated serious misconduct by the employee.
4. Employees who separated from employment and failed to cooperate with an investigatory process.
5. Employees who separated while an investigation into serious misconduct is pending or initiated following their separation will be temporarily designated as ineligible for rehire during the pendency of the investigation (DPI). In the event the investigation is unsubstantiated, the employee will be notified of the same, and the DPI designation will be removed. However, in the event the investigation is substantiated, a DNH may be placed pursuant to II(3), above.

## **III. NOTICE OF DNH DESIGNATION**

1. A copy of these Guidelines shall be posted on the Office of Employee Engagement’s (OEE) website.
2. When a pre-dismissal conference or hearing is scheduled, the OEE shall notify the represented employees that dismissal will result in a DNH designation if the employee is dismissed in the notice scheduling the pre-dismissal conference or hearing.

3. The OEE and/or the Talent Office shall notify non-represented employees via a Misconduct Form when their termination is sought.
4. When an employee is designated as ineligible for rehire consistent with Section II, above, the OEE shall notify the employee in writing of the DNH designation either by sending the notice to the employee's address of record with the Board or via email if the employee has a personal email on record.
5. When a separated employee receives the DNH designation because an investigation substantiates that the separated employee committed misconduct, to the extent a report exists and can be released, the OEE shall notify the separated employee of the designation and provide a copy of the investigative report with appropriate redactions. In the case of an investigation conducted by the Office of the Inspector General, the Executive Summary report detailing the misconduct and supporting evidence with appropriate redactions will be provided. When a report is provided under this paragraph, the OEE will notify the employee that he or she may submit a response to the report, which will be included alongside the investigation and outcomes in the employee's relevant employee file(s) and forwarded to the office responsible for the investigation. NOTE: This response is not considered a Request for Removal of DNH Designation as provided by Section IV, below. The Board retains the right to not provide an investigative report in cases that present legitimate privacy or safety concerns.
6. In the event one or more of the foregoing notices is not given, the OEE shall take appropriate remedial action by notifying the separated employees as soon as practical after the lack of notice is discovered. The failure to give notice shall not affect the underlying separation or the separated employee's eligibility for rehire.

#### **IV. REQUESTS FOR REMOVAL OF DNH DESIGNATION**

Eligibility for rehire is a hiring standard that is within the sole discretion of the Board to establish. That authority has been delegated to the CEO under Board Rule 4-1.

Separated employees who are ineligible for rehire may petition the CEO for removal of the designation by submitting a request to the OEE. The petition must set forth reasons why the cause for the designation is no longer valid or should be excused. Reasons for removal of the designation include, but are not limited to, changed circumstances (*e.g.*, additional experience, additional education or training, or a period of good work performance for another employer). Evidence in support of the reasons should be submitted (*e.g.*, letters of recommendation, *etc.*). **The petition must include the former employee's current mailing and email address.**

If the separated employee is a member of a bargaining unit, the exclusive representative may submit its opinion in writing about whether the DNH designation should be removed and the reasons for its opinion.

The CEO or designee shall give due consideration to the opinion of the labor organization and to any exigent circumstances, subsequent remediation, or subsequent evidence that the causes for which the DNH designation was originally placed have been removed. The CEO or designee shall not, however, substitute their judgment of an employee's performance for that of the principal or manager responsible for the employee's evaluation or rating.

A request to remove the designation may be made any time after it has been placed. The CEO or designee will only consider a request for removal of the designation once every twelve (12) months. The CEO's or designee's decision on whether to remove the designation is discretionary. After review of the petition, the decision will be issued via letter or email. The decision will solely state whether the DNH shall be removed or remain in place. Where appropriate, the notice may also only partially remove the DNH, potentially allowing work as a vendor or serving as a volunteer as referenced in Section V of these Guidelines.

**V. REMOVAL REQUESTS LIMITED TO VOLUNTEER STATUS OR ELIGIBILITY TO WORK FOR A CPS VENDOR**

1. A prospective volunteer's CPS work history, including his/her DNH status, is reviewed at time of application. Former employees who have a DNH designation are not eligible to volunteer. In the event a former employee is ONLY interested in volunteering for CPS and is not challenging his/her DNH status for future employment purposes, the former employee may submit a DNH removal petition limited to his/her volunteer status. This must be made clear in the petition. It is recommended the following language is included in the petition: "I am requesting that I be allowed to volunteer at CPS and understand that the DNH designation will remain for future employment purposes."
2. Similarly, former employees who have a DNH designation are not eligible to work for CPS vendors when their work involves interaction with CPS students. In the event a former employee is ONLY interested in working for a CPS vendor and is not challenging his/her DNH status for future employment purposes, the former employee may submit a DNH removal petition limited to his/her status to work for a CPS vendor. This must be made clear in the petition. It is recommended the following language is included in the petition: "I am requesting that I be allowed to work as a vendor employee at CPS and understand that the DNH designation will remain for future employment purposes."