

# COLLEGE OF MICRONESIA-FSM

## ADMINISTRATIVE PROCEDURES NO. 6035

---

### Rehire Eligibility

Date Adopted: 17 February 2022

Date Revised:

Date Reviewed:

References: Board Policy No.6006, 2007, 6008, 6018, & 6019.

### **Key Terms You Need to Know**

**Eligible for Rehire:** Personnel who leave the COM-FSM in good standing are eligible for rehire at any of the campuses for positions they are qualified for.

**Not Recommended for Rehire:** Personnel who have been terminated for reasons other and serious conduct or behavior violations and will be eligible to seek employment at the COM-FSM. Such applicants in addition to the regular requirements for an applicant and dependent on the circumstances of the previous termination, may at the college's request demonstrate acceptable work performance during the gap of separation, provide evidence concerning the specifics surrounding the previous termination, or provide compelling and legitimate reasons as defined below. There is no guarantee upon such a showing that the applicant will be hired.

**Not Eligible for Rehire:** Personnel terminated for serious conduct or behavior violations are not eligible for rehire in any type of employment at COM-FSM. This section only applies to persons actually terminated for one of the reasons listed in this category. Further, even though not eligible for rehire will mean that the applicant is generally not eligible for rehire, if the applicant can show compelling and legitimate reasons to explain the previous termination the application may be considered.

**Compelling and Legitimate Reasons:** The College has no duty to investigate compelling or legitimate reasons to challenge a previous termination. However, the applicant may provide evidence of successful rehabilitation from a previous personal problem, acquittal regarding felony or misdemeanor charges for offenses involving moral turpitude, conviction of another person for the charges alleged against the applicant, ten years or more of good reviews at another employer or any similar evidence of the nature cited above.

**Conviction of a misdemeanor involving moral turpitude:** Conduct that is considered contrary to community standards of justice, honesty, or good morals.

**Felony:** A serious crime punishable by a term of imprisonment.

**Attendance Violation:** Unexcused absences per established attendance policy.

**Acts of workplace violence:** Physical assault, verbal abuse, or the threat of *violence* against other employees in the work place, outside but related to work issues.

**Inappropriate behavior:** Behavior significantly violating one or more of the employment policies in effect at the time of the employee's termination.

## Frequently Asked Questions

✓ <b>Is it allowed to rehire previous employees?</b>	✓ Generally yes, but you must refer to Board Policy No. 6035 for the specific restrictions and follow the procedures established in the administrative procedure.
✓ <b>Is there a form to be completed for file when an employee separates from the college?</b>	✓ Yes, Appendix FF <i>File Closure Form</i> must be completed by the supervisor within 10 days from the last date in employment and this form must be forwarded to HRO.
✓ <b>As a hiring supervisor, how will I know when a candidate is a previous employee?</b>	✓ You will write or email to HRO office at <a href="mailto:hro@comfsm.fm">hro@comfsm.fm</a> and provide the list of the candidates who apply for your job and request for copy of File Closure Form and employment history.
✓ <b>Is Board Policy No. 6035 or these procedures applicable to previous employees working as full time only?</b>	✓ No. Board Policy No. 6035 and these procedures apply to all previous employees of the college who held either part time or full time positions.
✓ <b>Can I share with the candidate the form and information provided by HRO to explain why he/she is not hired?</b>	<ul style="list-style-type: none"> <li>✓ No. All information including advice from HRO on these matters are confidential. Follow established procedures for hiring.</li> <li>✓ Sharing with job applicants and others outside a hiring committee confidential information and hiring information and processes are prohibited and subject to disciplinary action.</li> </ul>
✓ <b>Can I ask HRO to verify work-study student history?</b>	✓ No. HRO does not maintain student information. You should forward your request to Finance Aid Office or contact the supervisor listed in job application.

## 1. HOW TO VERIFY PREVIOUS COLLEGE EMPLOYEE

Supervisor(s) and ad hoc committee(s) will write to HRO and provide the name of a candidate to verify college previous employment history.

***Confidentiality notice. All information provided by HRO in the form of advice, forms and information retrieved from an employee's (previous and current) file is confidential and must remain confidential.***

**The HR representative or the chairperson of a hiring committee for a full time position** will send HRO a written request to verify previous college employment of a job candidate. Upon receipt of the written request, HRO staff will locate the file, compile an employment history at the college

(performance evaluations, notices of concerns, years of services, positions held, etc.), and forward the information along with the copy of the [Appendix FF – File Closure Form](#) to the chair of the committee and the HR representative overseeing the screening of a position within one to two weeks of received.

**Hiring supervisor of a part time job search will consult** with HRO to confirm previous employment history of applicants with the college, if any, following these steps.

**Step 1.** Hiring supervisor will forward an email or a letter to HRO, listing names of the job applicants and request for confirmation of pervious college employment history including the File Closure Form.

**Step 2.** HR staff will review the file history including performance evaluations, notices of concerns, years of services, positions held, and all documentation in the file that provides for a comprehensive summary of the employee file and history with the college. A summary of that information in addition to a copy of the File Closure Form will be forwarded to the hiring supervisor within two weeks of the request.

**Step 3.** HRO staff will provide a copy of all the information sent to the hiring supervisor and send to the relevant Vice President to support a well informed decision at his/her level when the time comes. A copy of the same information will be filed in the employee’s personnel file.

In addition to the information provided by HRO from personnel file, the hiring supervisor will verify eligibility for rehire and checks references including contacting pervious college supervisor before extending an offer of a contract.

Board Policy No. 6035 provides the table below showing *examples of reasons for leaving COM-FSM and corresponding classification of “eligible for rehire”, “not recommended for rehire” and “not eligible for rehire”*. These reasons are not exhaustive.

<b><i>Reasons for Leaving COM-FSM</i></b>	<b><i>Eligible for Rehire</i></b>
<i>Voluntary Resignation</i>	<i>Eligible</i>
<i>Retirement</i>	<i>Eligible</i>
<i>Request for Non-contract renewal</i>	<i>Eligible</i>
<i>Personnel Services Contract ends</i>	<i>Eligible</i>
<i>Lay off due to insufficient funding or work demands</i>	<i>Eligible</i>
<i>Attendance Violation</i>	<i>Not Recommended</i>
<i>Poor Performance</i>	<i>Not Recommended</i>
<i>Unsafe work practices</i>	<i>Not Recommended</i>
<i>Job abandonment (quit without notice) or ongoing documented performance issues that have been addressed through the corrective action process to include termination.</i>	<i>Not Recommended</i>
<i>Resignation in-lieu of termination</i>	<i>Not Recommended</i>
<i>Alcohol and drug violations</i>	<i>Not Recommended</i>
<i>Inappropriate behavior</i>	<i>Not recommended</i>

<i>Unresolved performance improvement plan</i>	<i>Not recommended</i>
<i>Felony Conviction</i>	<i>Ineligible</i>
<i>Conviction of moral turpitude</i>	<i>Ineligible</i>
<i>Falsification of credentials or application information</i>	<i>Ineligible</i>
<i>Theft</i>	<i>Ineligible</i>
<i>Acts of workplace violence</i>	<i>Ineligible</i>
<i>Breach of Confidentiality (dependent on position)</i>	<i>Ineligible</i>

See Board Policy No. 6035