

# COLLEGE OF MICRONESIA-FSM BOARD POLICY NO. 6035

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## Rehire Eligibility Policy

Date Adopted: 11 March 2022

Date Revised:

Date Reviewed:

References:

### 1. REHIRE ELIGIBILITY

The College of Micronesia-FSM will consider rehiring of former employees who leave in good standing and later want to return. Personnel who leave the college on bad terms (termination, resignation in lieu of termination, theft, assaultive behavior, poor performance, etc.) may not be eligible for rehire.

### 2. CONSULTATION BEFORE CONSIDERATION OF REHIRE

Supervisors must confer with the department where a former employee worked and the Human Resources Office before determining a decision to recommend for rehire for a part time or full time position. Supervisor will verify eligibility for rehire and checks references including contacting previous college supervisor before extending an offer of a contract.

The table below provides 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>Reasons for Leaving COM-FSM</b>	<b>Eligible for Rehire</b>
Voluntary Resignation	Eligible
Retirement	Eligible
Request for Non-contract renewal	Eligible
Personnel Services Contract ends	Eligible
Lay off due to insufficient funding or work demands	Eligible
Attendance Violation	Not Recommended
Poor Performance	Not Recommended
Unsafe work practices	Not Recommended
Job abandonment (quit without notice) or ongoing documented performance issues	Not Recommended

that have been addressed through the corrective action process to include termination.	
Resignation in-lieu of termination	Not Recommended
Alcohol and drug violations	Not Recommended
Inappropriate behavior	Not recommended
Unresolved performance improvement plan	Not recommended
Felony Conviction	Ineligible
Conviction of moral turpitude	Ineligible
Falsification of credentials or application information	Ineligible
Theft	Ineligible
Acts of workplace violence	Ineligible
Breach of Confidentiality (dependent on position)	Ineligible

### 3. DEFINITIONS

**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 than 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 hiring committee'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.

See Administrative Procedures No. 6035