

## **Texas Woman's University University Regulation and Procedure**

**Regulation and Procedure Name: Staff Rehire-Reapplication Policy**

**Regulation and Procedure  
Number: URP: 05.280**

**Policy Owner: Finance and Administration**

### **POLICY STATEMENT**

This Texas Woman's University ("TWU") University Regulation and Procedure ("URP") governs opportunities for the rehire of former TWU Staff.

### **APPLICABILITY**

This policy is applicable to TWU Staff.

### **DEFINITIONS**

1. "Staff" means each classified, administrative, and professional employee who is appointed to work at least 20 hours each week for a period of four and one-half months, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching and/or research positions classified as faculty.

### **REGULATION AND PROCEDURE**

#### **I. Procedure**

- A. Former Staff who have voluntarily resigned employment or completed temporary employment with TWU while in good standing may be eligible for rehire to a vacant position at TWU. Staff eligible for rehire must meet the same requirement as other applicants. If hired, former Staff will be treated as a new hire for purposes of orientation, training, and benefits.
- B. Upon separation of employment of Staff, the supervisor or manager may recommend the Staff member as eligible for rehire. The Office of Human Resources ("OHR") will consider this recommendation when making a determination of eligibility for rehire. The OHR decision will be entered into the Human Resources Information System ("HRIS") and applicant tracking systems for future reference.

- C. Former Staff seeking re-employment at TWU must disclose previous TWU employment when the application is submitted. Failure to disclose prior TWU employment may result in ineligibility for rehire. If it is discovered that Staff has been rehired without disclosing previous TWU employment, the current employment may be terminated.
- D. OHR will review the personnel record of any former Staff who has applied for re-employment, verifying eligibility for rehire. Some exceptions may be made, on a case by case basis, based on circumstances, with a thorough review using the Hiring Exception Form.

## II. Rehiring Retired Staff

Staff who previously retired under the Teacher Retirement System (“TRS”) are required by state law to have a break in service no less than 30 days before reemployment under this URP. Staff who retire under the Optional Retirement Program (“ORP”) may be rehired after retirement without a break in service.

## III. “Not Eligible for Rehire” Designation

- A. TWU will not rehire a former employee who has been deemed “Not Eligible for Rehire” (“NEFR”).

- B. Criteria for NEFR designation:

- 1. Termination as a result of progressive discipline where the employee has demonstrated a failure to meet job-related expectations;
- 2. Failure to perform indicates a willful or purposeful choice to not meet job performance expectations;

A distinction may be made between an individual’s inability to perform and a failure to perform;

- a. Failure to perform indicates or constitutes multiple acts of gross insubordination; and
  - b. Inability to perform recognizes the potential for impact of circumstances outside the employee’s control, such as medical or skill level limitations, on the individual’s job-related performance and will not qualify an individual as NEFR.
- 3. Termination or resignation in lieu of termination as a result of gross misconduct resulting in policy violation warranting immediate dismissal (examples include theft, violence/threat of violence, alcohol/drug policy violation, moral turpitude, and other conduct demonstrating unfitness for employment with TWU); or

4. The termination was in the best interest of TWU. Such determinations will be made on a case by case basis in consultation with the Office of Human Resources.

C. A NEFR determination must comply with state and federal laws.

## **REVIEW**

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

## **REFERENCES**

[URP 05.205: Employment Practices](#)

Attorney General Opinion GM-4804 (1942)

PL101-433, Older Worker's Benefit Protection Act 29 USCA, Age Discrimination in Employment, as amended

Tex. Const. Art. 16 § 33

Tex. Gov't Code Ch. 821, 830

Tex. Educ. Code § 51.964

[Retiring Employees](#)

## **FORMS AND TOOLS**

[Hiring Exception Form](#)

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