

STANDARD ADMINISTRATIVE PROCEDURE

32.02.02.M0.03 Employees Not Eligible for Rehire Designation

Approved January 6, 2012

Revised March 28, 2014

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Standard Administrative Procedure Statement

Texas A&M University has a responsibility to hire fully qualified individuals to minimize the risk to the university. This SAP establishes the procedure to identify and to designate individuals who have been dismissed or have separated from the University as not eligible for rehire (NEFR) with Texas A&M.

This SAP applies to all non-faculty employees of Texas A&M. Texas A&M student-employees in positions requiring student status are excluded from this SAP.

Procedures and Responsibilities

The NEFR designation must comply with state and federal laws.

1. CRITERIA FOR NOT ELIGIBLE FOR REHIRE (NEFR) DESIGNATION

An employee who is dismissed or has separated from Texas A&M University may be designated ineligible for rehire at the University for one or more of the following reasons:

1.1. Dismissal as a result of progressive discipline where the employee has demonstrated intentional, willful and/or purposeful failure to meet job-related expectations.

1.1.1. For purposes of this procedure, a distinction is made between an individual's *failure* to perform and an *inability* to perform.

1.1.1.1. Failure to perform indicates or constitutes multiple acts of gross insubordination.

1.1.1.2 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.

1.2 Dismissal and Resignation in lieu of Dismissal as a result of gross or egregious misconduct resulting in policy violation warranting immediate dismissal (examples include but not limited to sexual harassment, research misconduct, fraud, theft, and violence/threat of violence).

2. PROCESS

2.1 In accordance with University SAP 32.02.02.M0.02, *Discipline and Dismissal for Non-faculty Employees*, section 2, Employee Relations (ER) or the appropriate Human Resource (HR) Office will review the request for dismissal/separation from Texas A&M, and based on the criteria in section 1 of this procedure, determine whether or not an individual is designated NEFR.

2.2 ER's or HR's determination will be reviewed by the Office of General Counsel (OGC) for final determination.

2.3 At TAMU College Station, ER will provide Talent Management with the employee's name, UIN, department, effective date of dismissal or separation and period of NEFR designation.

2.3.1. ER or HR will review all termination tasks in Workday and approve the NEFR designation upon receiving prior approval from OGC.

2.4. At TAMU College Station, Talent Management will apply the employee NEFR information provided by ER.

2.4. 1. Talent Management will verify through Workday for all NEFR status designations.

2.5 For the designated period (5 years or longer) future applications by this individual for employment with Texas A&M will not be referred to the hiring supervisor/department.

2.5.1. During the NEFR period the applicant is considered as not meeting qualifications for any position, and therefore, not referred.

3. APPEAL OF A NEFR DESIGNATION

3.1 An individual designated NEFR may appeal that determination through the available Texas A&M University's complaint and appeal procedures as outlined

in the Standards Administrative Procedure 32.01.02.M0.01 *Complaint and Appeal Procedure for Non-Faculty Employees* .

4. RESPONSIBILITIES

- 4.1 ER or HR will ensure that individuals designated NEFR will be given notice of this designation and its duration at the time of dismissal, separation or as a practicable.
- 4.2 Human Resources will ensure the widest dissemination of related information by including material in training courses and seminars, employment guides, and other broad information sources.

Related Statutes, Policies, or Requirements

[System Regulation 32.02.02, Discipline and Dismissal of Nonfaculty Employees](#)

[SAP 32.02.02.M0.02, Discipline and Dismissal Procedures for Non-faculty Employees](#)

Contact Office

For more information or clarification on this standard administrative procedure, contact Employee Relations at (979) 862-4027, or by email at Employee-Relations@tamu.edu. For information or assistance with this SAP for TAMUG contact TAMUG HR at (409) 740-4532 or hr@tamug.edu. For information or assistance with this SAP for TAMHSC contact HR at (979) 845-1565 or hschr@tamu.edu.

OFFICE OF RESPONSIBILITY: [Employee Relations](#)