

STANDARD ADMINISTRATIVE PROCEDURE

32.02.02.M0.03 Employees Not Eligible for Rehire Designation

Approved January 6, 2012

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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 authority 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.

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 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. APPEAL OF A NEFR DESIGNATION

2.1. Individuals designated NEFR will be given notice of this designation and its duration at the time of dismissal, separation or as practicable.

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

Related Statutes, Policies, or Requirements

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

Contact Office

For more information or clarification on this SAP, contact Employee Relations at (979) 862-4027, or by email at Employee-Relations@tamu.edu.

OFFICE OF RESPONSIBILITY: [Employee Relations](#)