

## CITY OF CHICAGO INELIGIBILITY FOR REHIRE POLICY

**Effective Date:** August 1, 2025

### I. Policy Statement

The Ineligibility for Rehire Policy (“policy”) is enacted in order to provide clarity as to what situations or circumstances could lead to a designation of Ineligible for Rehire (“IFR”). The City of Chicago (“City”) is committed to ensuring that all personnel are of the highest character and that all policies are fair and equitable. The IFR designation is a hiring standard and designation, not a disciplinary action.

### II. Overview

This policy clarifies when former employees will be designated as IFR and outlines the notification and removal processes in place regarding IFR designations. The Department of Human Resources (“DHR”) shall ensure that the City does not hire or rehire individuals who are actively designated as IFR.

Former employees designated as IFR will receive notice of their designation and can request removal of their designation by submitting a request to the Commissioner of the Department of Human Resources (“DHR Commissioner”).

### III. Definitions

- A. “Employee” means any individual employed by the City, whether part-time or full-time, paid or volunteer, sworn or not sworn.
- B. “Department head” means an individual who is a Commissioner or Director of a City operating department (or the Chief of Staff in the Mayor's office). The Alderpeople, including but not limited to chairs of City Council committees, the City Clerk, and the City Treasurer are the heads of their respective City offices.
- C. “Independent investigation” is an investigation done by a City agency, a department’s internal affairs division, or an independent investigatory agency outside of the accused’s department.
- D. “Independent investigatory agencies” include, but are not limited to, the Office of Inspector General (“OIG”), the Civilian Office of Police Accountability (“COPA”), the Department of Human Resources’ Equal Employment Opportunity Division (“DHR EEO”), the Chicago Police Department’s Bureau of Internal Affairs (“CPD BIA”), and the Chicago Fire Department’s Internal Affairs Division (“CFD IAD”).
- E. “Operating department” means any and all City departments or offices subject to the control of the Mayor and the City Council. For the purposes of this policy, this definition will apply specifically to the City department or office from which a former employee either was discharged or resigned or retired in lieu of discharge; or in which the former employee was found to have engaged in serious misconduct during their tenure.
- F. “Resign(ation) or Retire(ment) in lieu of discharge” occurs when an employee resigns or retires after having been served with charges; having been otherwise informed by City officials, in a formal

disciplinary setting, that the employee will be discharged; or after having been scheduled for a pre-disciplinary meeting to effectuate discharge. Where an employee resigns or retires in lieu of discharge, their separation from City employment will result in an IFR designation.

- G. “Resigned or Retired under inquiry” occurs when an employee resigns or retires from City employment while under investigation by an independent investigatory agency prior to the conclusion of that investigation.
- H. “Serious misconduct” means conduct that is a violation of the Personnel Rules, and/or the Chicago Police Department’s Rules and Regulations, and/or other departmental rules that govern conduct where such conduct is or may be deemed a reason to discharge an employee.

#### **IV. Ineligible for Rehire Process & Procedures**

##### **A. Former employees who will receive Ineligible for Rehire designations**

A former employee will be designated as IFR pursuant to this policy if the employee’s separation from City employment results from one of the following employment actions, or one of the following circumstances are present:

1. Discharge of any employee for violation of the Personnel Rules, and/or the Chicago Police Department’s Rules and Regulations, and/or other departmental rules that govern conduct, as documented by the operating department at the time of discharge.  
Except in cases where a former employee’s discharge is due to their failure of any employment test unrelated to drug/alcohol use.
2. Resignation or Retirement in lieu of discharge.
3. Employees who resign or retire under inquiry and the investigation ultimately substantiates serious misconduct by the employee. This would cover the period up until employees are provided with notice of the charges or otherwise informed in a formal disciplinary setting that they will be discharged. If notice of the charges has already been provided or the employee was otherwise informed of the impending discharge, the employee is considered to have resigned or retired “in lieu of discharge.” Employees who resign or retire under inquiry will be designated IFR only if the investigation substantiates serious misconduct.
4. It is discovered that the former employee had engaged in serious misconduct as defined under Section III of this policy, while still employed with the City.

Operating departments must submit a memo to the DHR Commissioner detailing the violations of the Personnel Rules, and/or the Chicago Police Department’s Rules and Regulations, and/or other departmental rules that govern conduct. Substantiating documents for the IFR designation must also be attached. A department head is the only individual with the authority to sign or send this memo. Operating departments must additionally check the applicable box indicating “Discharge,” “Resignation In lieu of Discharge,” or “Retirement In Lieu of Discharge” on the DHR *End of Employment form*, which designates the former employee as IFR.

DHR will work with operating departments to ensure that the appropriate documentation is included in the former employee’s personnel file. IFR designations will be maintained by the DHR.

## **B. Notification to former employees**

The DHR will timely notify former employees that they are designated as IFR, via a written notice mailed to the employee's home address on file, at the following times:

1. When the employee is discharged for violation of the Personnel Rules, and/or the Chicago Police Department's Rules and Regulations, and/or other departmental rules that govern conduct.
2. When the employee resigns or retires in lieu of discharge.
3. When an investigation substantiates that the former employee committed serious misconduct.

Except in cases that present legitimate privacy or safety concerns, a copy of any applicable investigatory report issued by an independent agency shall be included in the notice with appropriate redactions if necessary.

4. When it is discovered that the former employee had engaged in serious misconduct while still employed with the City, in accordance with Section IV. A. 4. of this policy.

Except in cases that present legitimate privacy or safety concerns, information forming the basis for the IFR designation shall be included in the notice with appropriate redactions if necessary.

## **C. Requests for removal of Ineligible for Rehire designation**

A request to remove the IFR designation may be made at any time after the designation is placed. All such requests will be reviewed on a case-by-case basis by the DHR Commissioner. At their discretion, the DHR Commissioner may consult with other City officials. This may include, but is not limited to, the Chair of the Board of Ethics, the relevant independent investigatory agencies, and the current head of the former employee's operating department.

Former employees who are designated as IFR may submit a request for removal of the IFR designation by providing a written statement and supporting documentation to the DHR via mail or email. The request must include all reasons why the cause for the IFR designation is no longer valid or should be excused. Reasons for removal of the IFR designation include, but are not limited to, changed circumstances or a period of good work performance from another employer. Evidence in support of the reasons must also be submitted. No requests may be delivered in person or via phone. Any attempt to influence the DHR Commissioner or other City officials outside of the process described above in this paragraph is forbidden.

The DHR Commissioner shall give due consideration to subsequent remediation or evidence that supports the removal of the IFR designation. Due consideration will also be given to the reason for the discharge, the nature of the misconduct that gave rise to the discharge, and/or the reason for the IFR designation. A request for removal of the IFR designation may be made only once every two (2) years. The DHR Commissioner's decision whether to remove the designation is final and discretionary. The OIG may review requests for removal and related decisions at its discretion.

## **V. Resignation or Retirement Under Inquiry Process & Procedures**

### **A. Former employees who receive a Resigned or Retired Under Inquiry designation**

A former City employee will be designated Resigned or Retired Under Inquiry in instances where the employee resigned or retired from City employment while they were the subject of an investigation by an

independent investigatory agency but before findings in the investigation were issued or before the investigation concluded.

A written request from the independent investigatory agency recommending that the former employee be designated Resigned or Retired Under Inquiry must be made to the DHR Commissioner.

The Resigned or Retired Under Inquiry designation shall be used for the sole purpose of the Department of Human Resources notifying the appropriate investigative agency that the former employee is attempting to return or has returned to City employment, so that the investigative agency may resume and complete its investigation, if it chooses.

A Resigned or Retired Under Inquiry designation shall not result in an Ineligible for Rehire designation unless the investigation results in findings that the former employee engaged in serious misconduct.

If a former employee who is designated Resigned Under Inquiry is rehired, and the investigation subsequently substantiates serious misconduct, this policy will not affect the City's ability to discharge this employee for the misconduct, subject to any applicable collective bargaining agreements.

#### **B. Removal of Designation**

The Resigned or Retired Under Inquiry designation shall remain in place until or unless one of the following occurs:

1. The independent investigatory agency who recommended the designation concludes their investigation and that investigation ultimately substantiates serious misconduct by the employee. The procedures described above in Section IV of this policy will then take effect.
2. The independent investigatory agency who recommended the designation concludes their investigation and that investigation does not substantiate serious misconduct by the employee.
3. The independent investigatory agency otherwise notifies the DHR Commissioner that the former employee should no longer be designated as having Resigned or Retired Under Inquiry.

### **VI. Non-retaliation**

The City prohibits the use of this policy for abusive or otherwise retaliatory purposes against its employees. Retaliatory conduct in conjunction with the use of this policy is subject to all applicable laws regarding retaliation, including but not limited to the IL Whistleblower Act (740 ILCS 174), the Whistleblower protections under the Municipal Code of Chicago (MCC 2-156-019), and the Personnel Rules. Any misconduct, abuse, or fraudulent activity on the part of any individual in the course of performing their responsibilities under this policy will be subject to investigation by the OIG and all available appropriate disciplinary action, up to and including discharge.