



**CHIEF EXECUTIVE OFFICER'S GUIDELINES
FOR DESIGNATING SEPARATED EMPLOYEES AS
INELIGIBLE FOR REHIRE**

Effective July 1, 2011
Amended October 1, 2015

I. PURPOSE

The District changed its guidelines for designating certain separated employees (non-renewed probationary appointed teachers) as ineligible for rehire (“DNH”) in May 2010. These Guidelines memorialize and amend those guidelines by:

- providing more discretion to principals and hiring managers with respect to rehiring employees who were separated for certain reasons,
- creating more transparency so that affected current or former employees are informed about the designation,
- creating a more forgiving policy with respect to employees who are separated for certain reasons, and,
- creating parameters for removal of the DNH designation.

II. SEPARATED EMPLOYEES WHO WILL RECEIVE DNH DESIGNATIONS ON AND AFTER JULY 1, 2012

Effective July 1, 2012, and thereafter, the following separated employees shall be designated as ineligible for rehire:

1. Employees dismissed for cause, including:
 - a. Employees who were incompetent.
 - b. Employees who engaged in misconduct.
 - c. Certified full-time teachers dismissed for cause because they worked without renewing their certification (meaning that they did not complete professional development after several notices or had their certifications suspended or revoked for cause).
2. Employees who resign while dismissal charges or actions are pending or in lieu of dismissal.
3. Employees who separated while an investigation was pending and that investigation ultimately substantiated serious misconduct by the employee.

III. NOTICE OF DNH DESIGNATION

Effective July 1, 2011, and prospectively, the following notice procedures will go into effect:

1. A copy of these Guidelines shall be posted on the Talent Office's web-site.
2. The Office of Labor Relations shall notify employees when their dismissal is sought under the Employee Discipline and Due Process Policy Procedures, CEO Guidelines governing dismissal actions or under 105 ILCS 5/34-85 that, in the event that they are dismissed from CPS employment, they will not be eligible for rehire. The notice may be contained in one or more of the following: dismissal charges, notices of hearing, notices of recommended decisions and notices of dismissal.
3. When an employee who resigns while dismissal charges or a dismissal decision is pending is designated as ineligible for rehire, the Office of Labor Relations or the Talent Office shall notify the employee in writing of the DNH designation.
4. When a separated employee receives the DNH designation because an investigation substantiates that the separated employee committed misconduct, the Office of Labor Relations or the Talent Office shall notify the separated employee of the designation and reasons for it. Except in cases that present legitimate privacy or safety concerns, a copy of any applicable investigatory report issued by an investigator employed by the district shall be included in the notice with appropriate redactions in the case of student information or other privacy concerns.

In the event one or more of the foregoing notices is not given, the Office of Labor Relations shall take appropriate remedial action by notifying the separated employees as soon as the lack of notice is discovered. The failure to give notice shall not affect the underlying separation or the separated employee's eligibility for rehire.

IV. REQUESTS FOR REMOVAL OF DNH DESIGNATION.

Eligibility for rehire is a hiring standard that is within the sole discretion of the Board to establish. That authority has been delegated to the Chief Executive Officer.

Separated employees who are ineligible for rehire may petition the CEO for removal of the designation by submitting a request to the Office of Labor Relations which sets forth reasons why the cause for the designation is no longer valid or should be excused. Reasons for removal of the designation include, but are not limited to, changed circumstances (*e.g.*, additional experience, additional education or training, a period of good work performance for another employer) and evidence in support of the reasons should be submitted (*e.g.*, letters of recommendation *etc.*)

If the separated employee is a member of a bargaining unit, the exclusive representative may submit its opinion in writing about whether the DNH designation should be removed and the reasons for its opinion.

Chief Executive Officer or designee shall give due consideration to the opinion of the labor organization and to any exigent circumstances, subsequent remediation, or subsequent evidence that the causes for which the DNH designation was originally placed have been removed. The Chief Executive Officer or designee shall not however substitute their judgment of an employee's performance for that of the principal or manager responsible for the employee's evaluation or rating.

A request to remove the designation may be made at any time after it has been placed; however, the CEO or designee will only consider a request for removal of the designation once every two (2) years. The CEO's or designee's decision on whether to remove the designation is discretionary.

V. EXISTING DNH DESIGNATIONS.

1. In conjunction with the development and ultimate implementation of these Guidelines, the district has either removed or offered to remove the DNH designations for the following groups of separated employees:
 - a. Probationary Appointed Teachers who were non-renewed more than once.
 - b. Day-to-day substitute teachers who worked without a day-to-day substitute teacher certificate.
2. The Office of Labor Relations shall notify all probationary teachers who were designated as DNH in 2010 to the extent that they have not already been notified.
3. The Office of Labor Relations will continue to review DNH designations upon receipt of a request for a review under Section IV of Guidelines.