



County of Santa Clara

Employee Services Agency
Human Resources - Policy/Procedure

Original Date: 12/4/06
5/28/08
08/01/14
Revision: 11/23/15

POLICY NAME - Disqualifying Applicants Who Are Former Employees Policy

POLICY DESCRIPTION

This description explains Human Resources policy regarding disqualifying applicants who are former employees.

POLICY

This procedure ensures that former employees who were released from employment with the County of Santa Clara are either not re-hired with the County when appropriate or have disclosed such past actions when applying for future employment with the County.

Merit System Rule A25-117 allows the Director of Human Resources to refuse to examine an applicant or after examination may disqualify any applicant or remove the applicant's name from the employment list, or refuse to certify any eligible on an employment list for the following reasons:

- a. If the applicant is found to lack any of the requirements or qualifications established for the examination;
- b. If the applicant is physically unfit to perform the duties of the classification;
- c. If the applicant is addicted to the use of narcotics or the excessive use of intoxicating liquors;
- d. If the applicant has been convicted of a felony;
- e. If there is evidence of immoral, infamous or disgraceful conduct;
- f. If the applicant has made a false statement of material fact or has practiced or attempted any deception, fraud or misconduct in connection with the applicant's application;
- g. If the applicant has been dismissed for any cause mentioned herein from public or private employment or has resigned to avoid such dismissal;
- h. If the applicant has a history of unsatisfactory employment in previous jobs verified by record.

Procedure

Human Resources will handle former employees who apply for positions in the following manner:

1. Involuntary Terminations: Those former permanent employees who have been involuntarily terminated for cause will be subject to non-rehire in accordance with the provision that allows the County to remove an applicant from the examination process in light of their having been dismissed for cause.

Employees released for reasons other than cause (ie: not meeting the Employment Standards for the classification from which he/she was terminated) shall have their application reviewed by Human Resources and be allowed to continue in the recruitment process if the termination is noted on any subsequent applications for employment. Failure to note such termination will result in their name being removed from the examination process in accordance with the attempted deception in connection with the application.

2. Probationary Releases: Those former employees who were probationary released shall have their applications reviewed by Human Resources to ensure that such probationary release is noted on any subsequent applications for employment. Failure to note such probationary release will result in their name being removed from the examination process in accordance with the attempted deception in connection with the application.

Disclosure of a probationary release will not automatically bar the former employee from future employment. Human Resources and Labor Relations will review the conditions of the release and may disqualify the applicant from employment if it is determined that it was related to behavioral misconduct that indicates the former employee should not be employed in any capacity or in the specific position to which the former employee is applying.

WRITTEN AUTHORITY FOR POLICY

- ◆ Merit System Rule A25-117