



Policy Type: Administrative

Category: Personnel

Policy Name: Disqualification of Applicants Who Are Former Employees

Policy Owner: Employee Services Agency

Policy Purpose

The purpose of this policy is to identify the Department of Human Resources' hiring rules regarding applicants who are former employees.

Policy Summary

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

[Merit System Rule A25-117](#) authorizes the Director of the Employee Services Agency, or their designee, to refuse to examine an applicant, or after examination to disqualify any applicant or remove the applicant's name from the employment list, or to refuse to certify an applicant 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 determined to be physically or mentally unfit to perform the duties of the classification;



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- c. If the applicant is currently using illegal drugs;
- d. If the applicant has been convicted of a felony or misdemeanor that demonstrates unfitness for the position;
- 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 or examination;
- 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.

Procedures

The Department of Human Resources will process employment applications of former employees in the following manner, depending on the circumstances of their prior release or termination:

Involuntary Terminations

Former permanent employees who were involuntarily terminated for cause will be disqualified for employment in accordance with the provision that allows the County to remove an applicant from the examination process who has been dismissed for cause.

Former employees released for reasons other than for cause (i.e.: not meeting the Employment Standards for the classification from which he/she was terminated)



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shall have their application reviewed by Human Resources and be allowed to continue in the recruitment process if the termination was disclosed by the former employee on their application for employment. An applicant's failure to disclose their prior termination will result in the applicant's name being removed from the examination process as a result of the attempted deception in connection with their application.

Probationary Releases

Former employees who were released from probation will have their applications reviewed by Human Resources to ensure that such probationary release is noted on any subsequent application for employment. An applicant's failure to disclose their prior probationary release will result in the applicant's name being removed from the examination process as a result of the attempted deception in connection with their application.

If disclosed on an application, a former employee's disclosure of a prior probationary release will not automatically bar the former employee from future employment with the County. Human Resources will review the conditions of the release and may disqualify the applicant from employment if it is determined that the release 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.

Definitions

None.

Frequently Asked Questions

None.



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Related Policies

- Merit System Rule A25-117 - https://library.municode.com/ca/santa_clara_county/codes/code_of_ordinances?nodeId=TITAGEAD_DIVA25PEDE_CHIIIMESY_ART3EXANAPAP_SA25-117DIAP

Related Forms and Information

None.

History

| Date | Changes Made |
|------------|--------------------------------|
| 3/28/2018 | Policy Uploaded. (Kyle Larson) |
| 12/1/2017 | Policy Revised. |
| 11/23/2015 | Policy Revised. |
| 8/1/2014 | Policy Revised. |
| 5/28/2008 | Policy Revised. |
| 12/4/2006 | Policy Adopted. |