

**7.07 REINSTATEMENT**

**Purpose**

Reinstatement allows ~~a hiring authority~~ the Auditor's Office to fill a vacancy with a former employee who has known qualifications for the position and knowledge of the organization.

A former employee may be rehired in their former or equivalent classification ~~and bureau~~ providing they meet the requirements of this administrative rule.

**Requirement for Reinstatement of Former Regular Employees**

Any person who ~~took a voluntarily demotion~~ demotion or who ~~has~~ resigned from ~~City service~~ the Auditor's Office in good standing and had attained permanent status in the requested classification prior to separation, may be reinstated within three years of the date of voluntary demotion or separation ~~at the request. The City Auditor must approve a hiring manager's request to fill a vacancy through reinstatement of a former employee. and discretion of the appointing authority and upon approval by the Human Resources Director or designee.~~ For purposes of this administrative rule, "good standing" ~~shall~~ means appropriate written notice was given prior to departure and the employee did not resign in lieu of discipline or termination or during the course of a disciplinary investigation.

The following requirements must also be met:

1. The request is made within three (3) years from the date the employee left City service;
2. There can be no employees on the layoff list for the classification the person would be reinstated to; and
3. There can be no qualified injured workers available for the targeted classification; and
4. The person is still qualified to perform the work;
5. Reinstatement can only be to a vacant position. Under-fill, over-fill, double-fill and working out of class may not be used to reinstate a former employee.
6. The employee must have held status in the classification where the vacancy occurs.

Even if all criteria are met reinstatement is at the City Auditor's discretion and is not guaranteed.

**Former Probationary Employee**

Former probationary employees who have left City service in good standing, and who have served at least sixty (60) days of their probationary period prior to leaving, may be reinstated within one year of the date of separation to their previous probationary status and classification at the request and discretion of the appointing authority and upon approval by the Human Resources Director or designee ~~division~~

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manager and with the approval of the City Auditor or a designee. The following requirements must also be met:

1. The request is made within one (1) year from the date they left City service;
2. The former employee is qualified to do the work;
3. There are no employees on the layoff list for the classification the person would be reinstated to; and
4. There are no qualified injured workers available for the targeted classification.

Reinstated employees under this section will be required to serve a new probationary period as prescribed in the **Administrative Rule on Probation.**

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**Process For Requesting Reinstatement**

1. ~~The human resources analyst~~Management Services and the appropriate division manager determines that all criteria for reinstatement are met and prepare a written request to fill a vacancy to the City Auditor;
  2. ~~The human resources analyst sends a written request for reinstatement to fill a vacancy to the Director of Human Resources or designee;~~
  - 3-2. The ~~Director of Human Resources, or designee,~~City Auditor or designee approves or denies the written reinstatement request and provides notification to the hiring ~~bureau~~manager.
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**Salary Rate, Vacation, Sick Leave Accruals and Seniority**

When an employee is reinstated under this Administrative Rule, the salary rate shall be at the same position in the pay range as when the employee last served in the classification. The employee's new anniversary date is the date of reinstatement to the classification.

Upon reinstatement, the employee's vacation accrual rate will be set at the same rate that was in effect at the time of separation and the accrual date shall be adjusted to account for the time the employee was not working for the City. ~~Upon reinstatement,~~ The employee will be credited with three personal holidays unless the employee is being reinstated during the same calendar year in which they separated. If that is the case, the employee will not receive any additional personal holidays for the year.

~~Upon reinstatement,~~ any sick leave accruals that were carried on the books at the time of separation will be reinstated. Dependent care leave hours are part of the employee's total sick leave accruals so upon reinstatement the employee will be eligible for up to 40 hours of dependent care leave, depending on the total number of hours of sick leave reinstated. If any employee is reinstated within the same calendar year, the number of available dependent care hours will be reduced by any hours previously used in the year.

Seniority in the class shall be adjusted to include previous permanent time in the classification upon reinstatement.

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**Retired City Employee**

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See **Administrative Rule on Retirees.**

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**Employee Separated for  
Medical Reasons**

See **Administrative Rule on Medical Layoff.**

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**Administrative Rule  
History**

~~Adopted by Council March 6, 2002, Ordinance No. 176302~~  
~~Effective April 5, 2002~~  
~~Revised October 15, 2002~~  
~~Revised July 28, 2003~~  
~~Revised July 1, 2004~~  
~~Revised July 9, 2007~~  
~~Revised October 19, 2010~~  
~~Revised November 4, 2011~~  
~~Revised April 25, 2016~~

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