

SUBJECT: FORFEITURE OF RIGHTS TO CITY EMPLOYMENT

Designation: The Human Resources Director, or designee, is authorized to disqualify, restrict or cause the forfeiture of rights to City employment consistent with the provisions of Madison General Ordinance 3.35 (7)(e):

The Human Resources Director may refuse to examine an applicant, or after examination may refuse to certify as eligible any applicant who is found to lack any of the requirements established for the position of employment for which the person has applied, or any applicant who had made a false statement of any material fact, or who directly or indirectly gave, paid or promised to give any money, service or other valuable thing to any person for or on account of, or in connection with, her/his selection process or appointment, or has secured or attempted to secure any improper advantage in the examination process, or has practiced, or attempted to practice any deception or fraud in the selection process of any such application, certificate filed in connection with or in securing eligibility or appointment, or who refuses to furnish testimony as required by law, and any applicant who commits any such act or acts shall, if hired, be subject to dismissal. (Am. by Ord. 10,167, 12-28-90).

Further, the Director may reject employment applications from previous City employees terminated from City employment for cause and/or released from service in the same or similar City class for unsatisfactory job performance.

Further, the Director shall notify the Appointing Authority of the discovery of information that would have disqualified an individual from certification/hire, had the information been known at the time of certification. Upon said notification, the Appointing Authority shall terminate the employee.

Background: The City is interested in recruiting and retaining a fully qualified and credible work force. To that end, it is crucial that employment determinations are based on accurate and complete information. Accordingly, the integrity of the employment process must be scrupulously maintained.

Policy: The Human Resources Director, or designee, shall establish procedures necessary to implement this policy, to include, but not be limited to: obtaining driving abstracts and criminal conviction records, verifying licenses and certifications, verifying education and/or experience, and/or other steps consistent with the scope and intent of this policy.

Procedures:

CONVICTIONS/PENDING CHARGES - All applicants will be asked to indicate all non-juvenile convictions and/or pending charges (with appropriate dates) for violations of felonies, misdemeanors, or convictions by a military court-martial. In accordance with State law and City ordinances, pending charges or convictions will not be used or considered unless they are substantially related to circumstances of the particular job. Note: The Human Resources Department may also review and consider Ordinance violations which are job related. If an applicant does not respond correctly, or commits errors or omissions of fact, either intentionally or unintentionally, his or her application will not be eligible for further consideration. Further, said applicant will be ineligible to apply for City employment or, in the case of incumbents, to apply for promotion, competitive demotion or transfer for a period of twelve (12) months from the date of the disqualifying application. Additionally, applicants who are active City employees may be subject to disciplinary action up to and including termination. If applicants are unsure how to respond to any question, or are unsure as to what

constitutes a conviction, it is their responsibility to check with the Human Resources Department for information/clarification.

DRIVING ABSTRACTS - The Human Resources Department will develop and administer a supplemental application for those positions requiring driving as a major component of their duties and will obtain driving abstracts from the Department of Motor Vehicles for those applicants who otherwise meet the qualifications for the position for which they have applied. The driving abstract will be reviewed by the Human Resources Department for conformance with job standards and may be used either to disqualify an applicant or may be considered by the Appointing Authority as an element of their selection decision. Note: The penalties prescribed above for misstatement/omission of fact shall also apply to this provision.

NEW DISQUALIFYING INFORMATION - The Appointing Authority shall terminate the employment of an individual upon notification by the Human Resources Director of discovery of information which would have disqualified the individual from certification had the information been known at the time of certification.

PREVIOUS CITY EMPLOYMENT - The Human Resources Director may reject the application of any individual for City employment if it is determined that the applicant has been previously terminated from City employment for cause, and/or released from service in the same or similar class for unsatisfactory job performance. In making this determination, the Director shall consider such factors as recency, frequency, and relevance of the offense(s) for which the applicant was discharged.

PERIOD OF REVIEW - While the City will make reasonable effort to obtain/verify the accuracy and completeness of the information presented by applicants prior to certification, the Human Resources Department may initiate or respond to informational needs as necessary; and may take appropriate action consistent with this policy.



Paul R. Soglin
Mayor

APM No. 2-20
March 23, 1994