

SUBJECT: FORFEITURE OF RIGHTS TO CITY EMPLOYMENT

Purpose: Under specified circumstances the Human Resources (HR) Director may remove an applicant from consideration at any point during the hiring process and deem the applicant ineligible for City of Madison employment. To that end, the purpose of this Administrative Procedure Memorandum (APM) is to set forth administrative standards and criteria the HR Director shall use in making such a determination in the best interests of the City of Madison.

Procedures:*All Applicants*

The City application process shall be open to all interested applicants. The Human Resources Department (HR) will accept all applications and screen for minimum qualifications. Any applicant lacking the minimum requirements established for the position may be removed from consideration. Applicants may also be removed from consideration, at any point in the hiring process, for any of the following reasons:

- Making any false statement of material fact on application materials or during the hiring process.
- Violating the City ethics code by directly or indirectly giving, paying, or promising to give any money, service, or other valuable thing to any person for or on account of or in connection with the hiring process.
- Attempting or securing any improper advantage in the examination process.

Any applicant found to have engaged in the conduct listed above shall be removed from consideration for any position with the City of Madison for a minimum of two (2) years. Further, any employee found to have engaged in any of the conduct listed above during the hiring process may be subject to disciplinary action up to and including immediate termination.

Former City Employees

Any former City employee shall be eligible to apply for vacant positions unless he or she previously waived rights to City employment. In addition to the reasons cited above, former City employees may be removed from consideration at any point in the hiring process for the following reasons:

- Having been terminated from City employment for just cause, or having resigned or retired in lieu of termination.
- Having been terminated from City employment or resigned or retired in lieu of termination during the original probationary period for unsatisfactory performance in the same or any similar job classification.

In making a determination that any former City employee should be removed from consideration for the reasons listed above, the HR Director shall consider such factors as recency, frequency, and relevance of the offense(s), and may consult with the hiring authority. The minimum timeframe for removal from consideration shall be two (2) years, but the HR Director may remove a former employee from consideration for a longer period of time for serious misconduct. Some specific examples of serious misconduct and the minimum timeframe for reconsideration for City employment are included below:

- Failing a reasonable suspicion or post accident drug or alcohol test – 4 years.
- Dishonesty – 4 years.
- Possession of alcohol or illegal drugs during work hours or on work premises – 4 years.
- Violation of the City code of ethics – 4 years.
- Engaging in illegal activity during work hours or on work premises – 5 years.
- Willful destruction of City property – 5 years.
- Theft – 5 years.
- Harassment (violation of APM 3-5) – 5 years.
- Workplace violence (violations of APM 2-25) – 5 years.

For safety sensitive positions, requiring a commercial driver's license (CDL), serious misconduct shall include:

- Failing a random drug or alcohol test – 4 years.
- Failing a reasonable suspicion or post accident drug or alcohol test – 5 years.

Convictions/Pending Charges

The City of Madison does not ask for information regarding convictions or pending charges on the initial job application (except for positions within the Police Department and commissioned Fire personnel), and hiring managers are prohibited from using private or public means of obtaining arrest and/or conviction information on candidates for employment. In appropriate circumstances, once a conditional offer of employment has been made, HR staff may conduct a criminal background check. If, after consultation with the City Attorney's Office, the candidate is not cleared for hire, HR will contact the candidate to inform him or her, including the specific reasons as to why he or she was not selected. The candidate will have the opportunity to provide any context or additional information for the City to consider. If the candidate is not cleared for hire, the department will be informed of the need to move on to the next candidate.

Driving Abstracts

The HR Department will develop and administer a supplemental application for those positions requiring driving as a major component 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 HR 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.

Authority: The HR Director shall maintain and interpret this APM. This APM will not apply to positions governed by the Police and Fire Commission.



Paul R. Soglin
Mayor

APM No. 2-20
2/20/2015

Original APM dated 3/23/1994