Eligibility for Re-employment

**POLICY STATEMENT**

The City of Hamilton maintains a consistent and transparent recruitment and selection process in accordance with its Recruitment & Selection Policy. Former City employees who left the City in good standing and who apply for re-employment are considered external applicants. An employee who is re-employed following retirement must have a 13 week break in service.

**PURPOSE**

This policy clearly outlines the criteria for when former employees are eligible to be re-employed and in what capacity.

Any changes to OMERS Pension requirements may impact the eligibility of rehiring retirees; and takes precedence over this policy.

**SCOPE**

This policy applies to all current full time and part time employees and all former City of Hamilton employees.

Where there are discrepancies between this Policy and the employee’s collective agreement, the collective agreement takes precedence.

**DEFINITIONS**

<table>
<thead>
<tr>
<th>Bona Fide Termination</th>
<th>Occurs only when an employee fully severs his or her employment relationship with the City of Hamilton. This results in losing any accumulated seniority and the ending of employee benefits and being issued a Record of Employment.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Employees</td>
<td>Are those former employees whose employee record indicates satisfactory or better job performance; who voluntarily left the City or were terminated through no fault of their own; and who meet the minimum requirements of the position.</td>
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<tr>
<td>Monetary Incentive Package</td>
<td>Payments in compliance with Employment Standards Act including notice and severance payments as negotiated upon separation.</td>
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<tr>
<td>Retiree</td>
<td>An employee who is in receipt of a pension, OMERS or otherwise and is retired from the City of Hamilton</td>
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<tr>
<td>Termination with Just Cause</td>
<td>Termination of employment due to a breach of a term or condition of employment, including failure to comply with the City’s policies and procedures, or failure to perform the duties of the relevant position in a safe reliable and consistent manner.</td>
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</table>
Voluntary Early Retirement
Voluntary Early Retirement Package
Voluntary Termination

Based on the OMERS requirements, currently, an employee is eligible for a voluntary early retirement pension within 10 years of the normal retirement age (55 years old for most positions and 50 years old for Fire).

Monetary incentive provided by the City as part of a voluntary early retirement package. This is usually done as part of a significant reorganization effort.

Voluntary separation of employment with appropriate notice period. This includes resignation, the end of a contract term or temporary assignment.

TERMS & CONDITIONS

1. Employees, who have been terminated from the City, with just cause, shall not be eligible to be re-employed by The City, in any capacity, at any time after their departure.

2. Re-employment is conditional upon satisfactory performance references in previous positions. If a monetary incentive package was provided as severance due to performance related issue, the employee will be ineligible for reemployment.

3. All employees who seek re-employment following a separation of any length of time are considered external applicants. The appropriate recruitment and selection processes must be complied with to ensure a fair and transparent process.

4. Employees who have received a bona fide termination with appropriate notice and severance, may not be employed again by the City, in any capacity, until the time period used in the calculation of the separation payment, has expired. This applies to voluntary early retirement package or any monetary incentive package as part of a severance. This includes the salary continuation period and/or equivalent time if a lump sum payment was made. In extenuating circumstances only, an individual may be rehired prior to the lapse of time if the employee has a specialized skill and/or experience which is required. This shall be on a short term basis and only with the approval of the Executive Director of Human Resources.

5. Re-employed former employees waive all rights accruing from prior service. For the purposes of benefit plans or vacations, the
date of re-employment will govern. Any exceptions must be approved by the Executive Director of Human Resources.

6. Any rehired employee must complete the standard probationary period before he or she becomes a permanent employee.

7. Retirees who are in receipt of a pension may be re-employed on an exception basis subject to a business case provided by the General Manager of the hiring department and approved by the Executive Director of Human Resources. The eligibility criteria for rehiring retirees include:
   - There are no internal successors ready to fill the vacancy created by a retirement
   - There are no suitable external candidates available to fill vacancy
   - There is a critical need for the vacancy to be filled immediately or the City will suffer from the loss of ability to provide a key service; or incur significant productivity loss
   - Under no circumstance, can the former employee still be receiving a voluntary early retirement incentive or be returned to his or her previous permanent position.

8. OMERS requirements allow for a rehired retiree to select from one of the options regarding their pension:
   - Stop their pension payments for as long as he or she is employed and re-enrol in the OMERS Plan; or
   - Continue his or her OMERS pension payments and do not re-enrol in the OMERS Plan.

9. Performance reviews for rehired employees start from the date of re-employment. Previous service will not be included to accelerate the review period.

10. Re-employment is considered on a case by case basis giving due consideration to extenuating operational circumstances including difficulty sourcing the critical skill-set for the position.
Corporate Human Resources Policy
Recruitment & Retention

Policy No: HR-40-11

Date Updated: 2011-09-20
Supersedes: Eligibility for Reemployment Policy (2007-02-28)

Page 4 of 5
Approval: 2011-11-10

RESPONSIBILITIES

Hiring Manager or Designate
- Consult Human Resources regarding intention to rehire former employee;
- Submit a business case for approval to the Executive Director of Human Resources establishing need for re-employment;
- Ensure all factors are considered and the applicant meets the eligibility criteria.

Executive Director of Human Resources or Designate
- Review business case provided by hiring manager; and provide approval decision to hiring manager or designate and Human Resources on the former employee's eligibility for reemployment.

Human Resources (Employment Services)
The following checks must occur before a former employee may be rehired:
- A business case must be submitted by hiring manager to the Executive Director of Human Resources and receive approval;
- A bona fide termination has occurred from the previous role;
- A reasonable time period has lapsed between termination and rehire date of not less than 13 weeks;
- The individual is not rehired in the same position held prior to his or her retirement.
- The individual applied for and was considered as part of an external recruitment;
- Performance in all previous positions was satisfactory.

COMPLIANCE
Failure to comply with this Policy and any associated Procedures may result in appropriate disciplinary measures, up to and including dismissal; and/or financial liability.

RELATED
The following related documents are referenced in this Policy:
1. Recruitment & Selection Policy
2. Employment Standards Act
3. Request to Post and Fill a Vacant Position

HISTORY
The following stakeholders were consulted in revisions made to this Policy:
- Policy Review Group
- Legal Services
This replaces the former Eligibility for Re-employment Policy dated 2007-02-28.

Senior Management approved this policy 2011-11-10