

Buffalo & Erie County Public Library

PERSONNEL POLICIES AND PROCEDURES MANUAL

SUBJECT: Reinstatement to Service after Resignation

CHAPTER: IV

SECTION: 11

EFFECTIVE DATE: 1/81

REVISION DATE: 10/88, 6/06, Modified for the B&ECPL effective 1/1/15

I. STATEMENT OF POLICY

Rule XVII (1) of the Rules for the Classified Civil Service states:

"A permanent employee who has resigned from his/her position may be reinstated without examination within one (1) year from the date of such resignation in the position from which (s)he resigned, if then vacant, or in any vacant position to which (s)he was eligible for transfer or reassignment. In computing the one (1) year period within which a person may be reinstated after resignation, the day the resignation takes effect, any time spent in active service in the military or naval forces of the United States or of the State of New York, and any time served in another position in the Civil Service of the same municipality shall not be considered."

II. GUIDELINES

A. Eligibility

1. In order to be eligible for reinstatement, an employee must have held permanent status at time of resignation or retirement and must be reinstated only into a permanent position.

2. Reinstatement after resignation is not permissible if a preferred list resulting from lay-off exists for the title.
3. A request to rehire a former B&ECPL employee must be forwarded to Human Resources for review and approval. Human Resources will check the former employees' work record to assure that the employee was not terminated for cause and that they are not rehiring an unacceptable employee.
4. In an exceptional case, the Commissioner of Personnel may, for good cause shown and where the interest of the government would be served, waive the provisions of this rule to permit the reinstatement of a person to his/her former position more than one (1) year after resignation.
5. For the purpose of this rule, where an employee on leave of absence resigns, such resignation shall be deemed effective as of the date of the commencement of such leave.
6. In cases where an employee has been on a Workers' Compensation Leave, such resignation shall be deemed effective as of the date the employee is removed from the payroll.

B. Benefits upon Reinstatement

1. Former permanent competitive class employees may be reinstated without further examination. All former permanent employees rehired after an absence of less than one year will have their previous salary step and any accrued but unused fringe

benefits which were on the books at the time of resignation restored.

2. All employees rehired after an absence of more than one (1) year are treated as new employees for salary and fringe benefit purposes and must serve a new probationary term.