



Mineral



Question of the Week

February 1, 2024

Question

We're not bound by any law requiring us to conduct background checks, but we choose to do them for all new hires. Should we also do them when we rehire an employee?

ANSWER

It's up to you. Conducting a background check when hiring a former employee would keep the process simple and straightforward. Every exception you add to a process gives you something else to remember—and potentially forget!

That said, you could instead establish a time limit between an employee's termination date and rehire date—90 days, for example—and if they're rehired within that time, you wouldn't run a background check. If you opt for this practice, consistency is key. Skipping background checks outside of this timeframe for some employees but not others could open your organization to discrimination claims.

This Q&A does not constitute legal advice and does not address state or local law.