

Rehiring Former Employees: Is It Worth the Risk?

News

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Atlanta Partner Jennifer Sandberg was quoted in the article “Rehiring Former Employees: Is It Worth the Risk?” in the November 2012 *Employee Terminations Law Bulletin*. The article focused on the various legal risks an employer may face when rehiring a former employee for a newly vacant position. While rehiring former employees may seem like a win-win situation for both parties on the outset, it can lead to possible litigation if it’s not carefully managed. Rehiring certain employees but not others following a layoff could make an employer vulnerable to discrimination claims.

Permitting former employees to return to work as contractors could lead to misclassification issues and additional taxes and penalties. Jennifer also noted that it’s important not to rehire a former employee without conducting due diligence on them first. “You need to treat everyone as if they are new, especially when it comes to screening. Be sure you have current information. In the time they’ve been gone they could have embezzled from their last employer, had three DUIs, or done something else that might only be discovered through a background check.”

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