

Must we call back laid-off workers first?

Q. Are we required to call back an employee who's been laid off? The person wasn't a responsible employee and called off often. Are we obligated to call the person back to work if we have an opening, or are we eligible to hire someone else? — D.F., Ohio

A. If you are a union shop, laid-off employees recall rights will almost certainly be governed by the collective-bargaining agreement between you and your employees' union.

In a nonunion environment—and absent a policy saying otherwise—you are not under any legal obligation to recall laid-off employees. Former employees who apply for an open position should be considered equally with all other applicants. If the employee had performance problems prior to the layoff, that factor cannot and should not be ignored in any later application.