

REGULATION**REGULATION****PROFESSIONAL STAFF HIRING****Definition**

A *background investigation* is defined as any communication with an applicant's (or employee's) former employer that concerns the education, training, experience, qualifications, and job performance of the individual and that is used for the purpose of evaluation for employment. Background investigation does not include the results of any state or federal criminal history records check.

Background Investigation Requirements

Only persons designated by the Superintendent shall perform background investigations. Prior to contacting former employers or other persons, the background investigator shall:

- Ascertain that the standard employment application for the type of position has been completed in full.
- Obtain from the individual a consent to background investigation and release as determined by the District.
- Make certain that the individual has identified at least one (1) person from each past employer who can verify basic job information and discuss the individual's work performance and reason for leaving.
- Examine the application for a complete work history, accounting for any gaps in employment.

One (1) person should be contacted at each past employer if possible (any exceptions should be documented). Upon making contact, the contacts or the former employer or employer's agent should be provided the following information:

- The name and identifying information of the District.
- The name of the District representative making the inquiry and how the representative can be contacted.
- The name of the former employee and period of employment as indicated by the individual whose background is being investigated.
- The position for which the individual has applied, with descriptive information as to the duties, if requested or necessary to understanding of the inquiry.

The background investigator shall:

- Ask the questions, and complete the background check form(s) as provided by the District.

- Make impression notes as necessary based upon the questions and responses, and determine if there may be cause to contact others or make further inquiries based upon the responses.
- Provide the information to the Superintendent.

Return to Work

House Bill 73a became effective on May 18, 2022. The bill allows for retired educational K-12 employees to return to work after a 90-day layout period for a period of up to 36 consecutive or non-consecutive months and continue to receive their ERB benefits provided the retiree has completed a 90-day layout period.

- A retiree must submit an application to ERB and be approved prior to beginning work.
- A retired member may return to employment for a period of no more than 36 consecutive or nonconsecutive months.
- There is no limit on salary or number of hours the retiree may work, no full time equivalent (FTE) limit.
- Any former employee of the District who is also an NMERB retiree will not be rehired into the individual's former position until at least a 12-month break in service, but is eligible for reemployment into any other vacant position for which he or she is qualified. (this could be interpreted as a retiree can after a year out apply for a former position and a retiree returning before a 12 month out, can apply for other positions except for the position previously held.)