

# What To Expect In 2023

We hope your year is off to a great start! To help, we're sharing thoughts about upcoming laws, trends and best practices to help you prepare for a successful 2023.



## Expungements

The Second Chance movement continues to grow. Many states, counties and cities have laws that offer expungement opportunities for misdemeanors and lower-level felonies. Additional bills are expected to be signed this year, which will empower thousands of Americans with minor criminal records to find employment, housing and other necessities. These laws are also intended to reduce recidivism and give businesses a larger pool of candidates.

Employers are prohibited from considering expunged records when making decisions about applicants, employees, contractors or volunteers. Second Chance laws make it essential to not rely on companies that only provide information from criminal databases as those records might be outdated.

Backgrounds Online obtains records directly from courthouses to ensure they are current and accurate. Our goal is to provide actionable data that helps you make informed decisions and maintain safe workplaces.

## Marijuana Legalization

Numerous states have passed laws that legalize medicinal and/or recreational marijuana usage and more are awaiting final approval. Here are a few things you should know:

- These laws often prohibit employers from discriminating against employees who use marijuana outside of business hours.
- After legalizing marijuana, some states also expunge records for offenses that have been decriminalized.
- If you run drug tests but do not wish to check for marijuana, you can order a screening panel that will exclude those results. If your business runs drug tests, please contact your Account Manager or our support team for details.

## Ban the Box

Ban the Box (BtB) laws are becoming increasingly common. They vary by location, but generally prohibit employers from inquiring about an applicant's criminal history during the early stages of the hiring process. This includes not asking questions about arrests or convictions on job applications or during interviews, and often waiting to run background checks until a conditional job offer is extended.

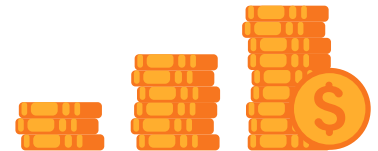


Some of these laws require employers to individually assess each conviction that is included in a background check to determine if they warrant an adverse action. This typically involves considering:

- The nature and gravity of the offense.
- How much time has passed since the offense occurred.
- Whether the offense is relevant to the position.

## Wage Discrimination

Another emerging trend is intended to curb wage discrimination. Various laws have been passed to help establish fair and consistent wages for all workers. Examples include bills that require employers to:



- Disclose the pay range in their job postings.
- Pay comparable wages to people who do comparable work under similar circumstances.
- Allow applicants to inquire about the salary of a sought-after position.

## Our Focus

In 2023, as always, we will be your partner throughout the screening process. Our site offers educational resources, sample compliance forms and, most importantly, a smooth and efficient way to order and review background checks. We are dedicated to helping you identify highly qualified candidates.

Backgrounds Online is an accredited Consumer Reporting Agency and we do not provide legal advice of any kind. We recommend consulting with legal counsel to make sure you are compliant with laws that are active wherever you operate and aware of bills that will go into effect later this year.

If you have questions or need assistance, our awesome team is available to assist you Monday through Friday from 5am to 6pm PT. We look forward to hearing from you!