

Backgrounds Online Attends the PBSA's Mid-year Conference



This month, members of our team journeyed to Arlington, Virginia and Washington D.C. for the Professional Background Screening Association's (PBSA) mid-year legislative conference. Like previous years, it was an enlightening and rewarding experience with colleagues, government officials and other industry professionals.

A Good Time to Review

The PBSA's semiannual conferences provide a wealth of information about new and upcoming laws, screening products and other hot topics via a series of group sessions. These workshops are a great opportunity for our team to gather key information that impacts the screening industry. Many of the PBSA's sessions are timely refreshers and updates focused on compliance which our team documents and relays to our clients in newsletters and blogs. The middle of the year is an ideal time to review your screening practices and determine whether modifications are necessary based on new or upcoming legislation.

Second Chance Laws

We write about these laws often, because so many are introduced each year. They are commonly referred to as Fair Chance Laws or Ban the Box Acts and they share the same primary goals:

- Establishing regulations that help formerly incarcerated individuals rejoin society.
- Allowing people to expunge lesser offenses to clean their criminal record.

At the conference, we heard crucial recaps about commonalities between most Second Chance laws. Speakers noted that many of the requirements they contain may not apply to every employer, but they still represent current best practices. Some noteworthy and prevailing components from these bills include:

- Employers should not inquire as to whether an applicant has any convictions until after completing an interview or extending a conditional job offer. An important part of this is ensuring your applications and promotional materials do not ask about or reference anything related to criminal records.
- Those responsible for reviewing background check results should not disqualify a candidate simply because they have some form of criminal history. Adverse action should only be considered if an offense is relevant to the position or indicates the individual may pose an undue risk.
- To establish the above, employers should individually assess each criminal offense. This involves considering factors like the offense's timeline or any evidence of rehabilitation.



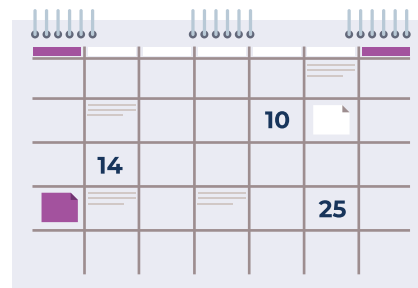
Drug Screening

In 2024 alone, 500 new laws were introduced relating to employment-focused drug screening. While many weren't signed into law, that is a staggering figure which demands attention. These laws are becoming more prevalent, especially as medicinal and recreational cannabis is legalized throughout the nation.

Every employer should be aware of drug screening laws that affect them. It's worth mentioning that if your organization operates in multiple states, you may be subject to different laws in each location. We recommend consulting with legal counsel regarding your drug screening program and which substances you do or do not test for each time.

Monitoring Tools

Numerous speakers touched on the ever-increasing importance of annual or ongoing screenings. These tools help organizations understand if a current employee incurs a new criminal record that might affect their eligibility for ongoing employment, or if they lose a mandatory license or credential. We covered this critical topic and our suite of monitoring options in a recent Newsletter, which is definitely worth the read if you haven't already.



Our Ongoing Commitment

Backgrounds Online is a PBSA-accredited Consumer Reporting Agency (CRA). We do not offer legal advice of any kind, but we do provide educational resources that bolster your compliance efforts by keeping you current on new or changing laws and best practices. Stay tuned to our monthly Newsletter, State Laws section and weekly blog for more informative articles. We also offer an excellent Resource Center with sample compliance forms and other fundamental documents.

Have Questions?

If you have questions regarding this Newsletter or anything related to background screening, please contact us. Our friendly, experienced team is here to assist you Monday through Friday from 5am to 6pm PT. We look forward to hearing from you.