



## **2. PROGRAM AND FINANCIAL MANAGEMENT**

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## **MANAGING AN AMERICORPS PROGRAM: A Program Director's Role**

AmeriCorps Program Directors provide the management and leadership of local AmeriCorps programs. The Program Director is generally responsible for everything from recruiting AmeriCorps members to developing community partnerships. You should be prepared to play various roles and utilize a variety of skills to accomplish the tasks needed to operate a successful AmeriCorps program.

As an AmeriCorps Program Director you should make sure you have the following skills and experience:

- ✓ Ability to multi-task and meet various deadlines
- ✓ Comfort speaking in public
- ✓ Ability to work alongside and manage diverse personalities, abilities (including persons with disabilities), backgrounds and work styles
- ✓ Leadership skills
- ✓ Time management
- ✓ Basic AmeriCorps financial management
- ✓ Conflict resolution
- ✓ Report writing
- ✓ Stress management

### **GET THINGS DONE**

- Achieve outcomes
- Make a difference in community
- Generate volunteers

### **SUPPORT TEAM TENNESSEE**

- Participate in conferences and events
- Take statewide leadership role
- Don't consistently challenge Volunteer Tennessee

### **STRONG ADMINISTRATIVE SYSTEMS**

- Strong timekeeping system
- Complete member files
- Accurate data collection on performance measures
- Timely member forms in eGrants
- High quality reporting
- Meet deadlines

- Website info updated

### **GREAT LEADERSHIP**

- Program Director invested in program
- Program Director knows and understands Grant Terms and Conditions
- Adequate program staffing and good member supervision
- Contact Volunteer Tennessee with problems or questions
- Respond to Volunteer Tennessee requests
- Positive motivation (no burnout)
- Professional development

### **TRAIN MEMBERS WELL**

- Pre-service orientation and ongoing member training
- Members know goals and objectives
- Members competent in service area
- Citizenship/civic engagement training
- Member identity
- Ethic of service

### **STRONG PROGRAM DESIGN**

- Meet compelling need
- Incorporate community feedback
- Incorporate member suggestions for improvement
- Adapt to changing community needs
- Diverse corps

### **STRONG FISCAL SYSTEMS**

- No audit findings
- Few compliance issues identified
- Strong grant application budget

### **KEEP MEMBERS HAPPY**

- Quality member experience
- *Esprit de corps*
- Low member attrition
- Member morale/motivation
- Member recognition
- Few member complaints and grievances

### **STRONG EXTERNAL SUPPORT**

- Supportive host agency
- Strong Board
- Adequate match
- Good partners
- Presence appreciated in community
- Collaboration with other AmeriCorps programs
- Sustainability

## Prohibited Activities by AmeriCorps Members

While charging time to the AmeriCorps program, accumulating service or training hours, or otherwise performing activities supported by the AmeriCorps program or CNCS, staff and members may not engage in the following activities (see 45 CFR § 2520.65):

1. Attempting to influence legislation;
2. Organizing or engaging in protests, petitions, boycotts, or strikes;
3. Assisting, promoting, or deterring union organizing;
4. Impairing existing contracts for services or collective bargaining agreements;
5. Engaging in partisan political activities, or other activities designed to influence the outcome of an election to any public office;
6. Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials;
7. Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of religious proselytization;
8. Providing a direct benefit to—
  - a. A business organized for profit;
  - b. A labor union;
  - c. A partisan political organization;
  - d. A nonprofit organization that fails to comply with the restrictions contained in section 501(c)(3) of the Internal Revenue Code of 1986 related to engaging in political activities or substantial amount of lobbying except that nothing in these provisions shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and
  - e. An organization engaged in the religious activities described in paragraph C. 7. above, unless CNCS assistance is not used to support those religious activities;
9. Conducting a voter registration drive or using CNCS funds to conduct a voter registration drive;

10. Providing abortion services or referrals for receipt of such services; and
11. Such other activities as CNCS may prohibit.

AmeriCorps members may not engage in the above activities directly or indirectly by recruiting, training, or managing others for the primary purpose of engaging in one of the activities listed above. Individuals may exercise their rights as private citizens and may participate in the activities listed above on their initiative, on non-AmeriCorps time, and using non- CNCS funds. Individuals should not wear the AmeriCorps logo while doing engaging in any of the above activities on their personal time.

All locations where members serve should post a list of the prohibited activities.



## **Documents That Guide Our Work**

### **Terms and Conditions for AmeriCorps State and National Grants**

These Corporation for National & Community Service (CNCS) Grant Program Specific Terms and Conditions and the General Terms and Conditions, are binding on the recipient.

Users will find their Terms and Conditions for a particular grant using this link and examining the list of Program Types and the associated Grant Award Federal Fiscal Year.

<https://www.nationalservice.gov/resources/financial-management/terms-conditions-and-certifications-assurances-cnccs-grants>

### **AmeriCorps State and National Policy Frequently Asked Questions (FAQs)**

A resource to help state programs with federal and state statutes, regulations, provisions, and policies.

[www.nationalservice.gov/sites/default/files/upload/policy%20FAQs%207.31.14%20final%20working%20hyperlink.pdf](http://www.nationalservice.gov/sites/default/files/upload/policy%20FAQs%207.31.14%20final%20working%20hyperlink.pdf)

### **Uniform Guidance Relevant to AmeriCorps**

Grants under this program are subject to the applicable Cost Principles (Cost Principles), Administrative Requirements, and Audit Requirements required under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

These documents can be found at:

[www.federalregister.gov/articles/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards](http://www.federalregister.gov/articles/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards).

### **Code of Federal Regulations for CNCS**

The Code of Federal Regulations (CFR) is a codification (arrangement of) the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

[www.ecfr.gov/cgi-bin/text-idx?ID=9e5466ae66b0b60241f448502b41433b&mc=true&tpl=/ecfrbrowse/Title45/45chapterX XV.tpl](http://www.ecfr.gov/cgi-bin/text-idx?ID=9e5466ae66b0b60241f448502b41433b&mc=true&tpl=/ecfrbrowse/Title45/45chapterX XV.tpl)

### **Serve America Act**

On April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act. The Serve America Act reauthorized and expanded national service programs administered by the Corporation for National and Community Service (CNCS) by amending the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973.

<https://www.nationalservice.gov/about/legislation/edward-m-kennedy-serve-america-act>

### **Notices of Funding Availability**

The Corporation of National and Community Service provides grants to national and local nonprofits, schools, government agencies, faith-based and community organizations, and other groups committed to strengthening their communities through volunteering.

Current and Archived CNCS funding opportunities can be found at:

<https://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities>

Volunteer Tennessee AmeriCorps State Funding Opportunities can be found at:

<https://www.tn.gov/volunteer-tennessee/vt-funds/vt-funding-opportunities.html>



# Volunteer Tennessee



TO: AmeriCorps Program Directors  
 DATE: January 22, 2020  
 FROM: Daniel Sparkman, AmeriCorps Program Manager  
 RE: Reporting Requirements for 2019-2020 Program Year (Updated)

Below are the reporting deadlines for the 2019-2020 program year. Please review these dates carefully.

**All Financial Status Reports (FSR), Progress Reports, and Performance Data Elements Report must be submitted via email to the AmeriCorps Program Managers ([Daniel.Sparkman@tn.gov](mailto:Daniel.Sparkman@tn.gov) and [Monica.Hodges@tn.gov](mailto:Monica.Hodges@tn.gov)).** If at any time you find that you cannot submit a report by the deadline, you may submit a written request for an extension. Extension requests must be received **BEFORE** the due date.

The following charts outline FSR, progress reporting, and performance data elements report requirements. If you have any questions about expectations for 2019-2020 reporting, please contact your program officer.

**Financial Status Reports: Due via email by 3:00 p.m. Central Time.**

Due Date	Period Covered
October 10, 2019	August 1, 2019 – September 30, 2019
January 16, 2020	October 1, 2019 – December 31, 2019
April 9, 2020	January 1, 2020 – March 31, 2020
July 16, 2020	April 1, 2020 – June 30, 2020
October 8, 2020*	July 1, 2020 – September 30, 2020
January 29, 2021	October 1, 2020 – December 31, 2020

*\*Current programs with August/September start dates should submit two FSRs for July 1 – September 30, 2019: one for the 2019-2020 program year and one for the 2020-2021 program year.*

**Progress Reports: Due via e-mail by 3:00 p.m. Central Time.**

Due Date	Period Covered
July 1, 2020	August 1, 2019 – May 31, 2020
November 18, 2020	June 1, 2020 – October 31, 2020
January 29, 2021	November 1, 2020 – December 31, 2020**

*\*\*All programs must submit a Final Progress Report within 30 days of their program's end date if the September 30, 2020 progress report is not marked "final."*

**Performance Data Elements Report: Due via e-mail by 3:00 p.m. Central Time.**

Due Date	Period Covered
October 14, 2020	October 1, 2019 – September 31, 2020

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## PROGRESS REPORTING TIPS

- ✓ Ensure that host site/service location data is submitted to you in sufficient time to report to Volunteer Tennessee by the established due date.
- ✓ Ensure that all submission information is completed in the Demographics section.
- ✓ Indicate whether or not the report is your final report for the year. Marking the report as final means that all members have completed their service requirements, all program activities have been completed, and final data is included for all performance measures.
- ✓ For each Performance Measure, indicate the *actual* number of MSY and the number of slots who spent time on the activity.
  - Keep in mind that the total number of MSY should be equal to the number of MSY enrolled in your program during the reporting period.
  - If the number of MSY or members who spent time on the activity varies from the number projected in your application, include an explanation in the “progress toward target” narrative box for the measure.
- ✓ For each Performance Measure, report the actual number of output or outcome units completed to date and indicate whether the target has been met, is ongoing, or has not been met.
  - If the actual output or outcome exceeds the target, include an explanation in the “progress toward target” narrative box.
  - If a measure is not on track to be met at the time of the mid-year report, describe the reasons in the “progress toward target” narrative box for the measure and include any corrective actions being implemented in the effort to meet the target.
  - If a measure is unexpectedly not met by the end of the program year, describe the reasons (including why it was not foreseeable at the time of the mid-year report) and any corrective actions being implemented to ensure that targets are met in future years in the “progress toward target” narrative box.
- ✓ Please respond to each question in the Narratives section of the report. Keep in mind that this information is extremely helpful as Volunteer Tennessee works to support programs, share your successes with stakeholders, and represent the challenges of programs in communication with funders.
- ✓ Save your report using the following naming convention: “Agency Initials\_2015-2016 Progress Report\_Dates Covered.” (for example, VT\_2015-2016 Progress Report\_August 1, 2015 to March 30, 2016)
- ✓ Review your report for completeness and accuracy prior to submitting to Volunteer Tennessee.
- ✓ Submit your report as an attachment sent to your Program Officer, with the other Program Officer cc’d.



## AmeriCorps Performance Measure Revision Process

Revisions to your program performance measures require approval by Volunteer Tennessee and, in some cases, the Corporation for National and Community Service.

**When should a request for a revision be submitted?** Any time you need to change any part of a performance measure. Your request will be submitted directly to your Program Officer via email. Volunteer Tennessee may also request a revision at any time.

**Why do revisions need approval?** So that Volunteer Tennessee can monitor the approved performance measures and ensure proper stewardship of federal funds. Revising performance measures will trigger a change to your contract.

**Who should request revisions?** The Program Director should initiate the performance measure revision process in consultation with the host agency. Please follow established processes at your host agency for reviewing grant changes.

### Performance measure revisions:

1. Send an email to your Volunteer Tennessee Program Officer with a **strong** justification for the change and a clear and complete explanation of exactly what the changes will be (e.g. change the tool from a sign-in sheet to a survey to better track results; decrease beneficiaries from 200 to 175 because service process has increased in intensity; change standard from 80% will show improvement to 85% will show improvement because initial results indicate a higher success rate; etc.). Note that merely not being on track to meet targets is not a sufficient justification for a performance measure change.
2. The Program Officer will approve, require additional information, or deny with explanation, the requested changes.
3. If the revisions are approved, changes will be made in eGrants as follows:
  - I. Your Program Officer will inform you when the grant is ready to initiate an amendment for a performance measure revision.
  - II. Make changes to the approved performance measures **only**.
  - III. Save your changes and submit back to prime for review.
4. Notify the Program Officer that changes are awaiting approval in eGrants.
5. The Program Officer will review the revised measures and approve or request additional revisions via e-mail.
6. Keep a copy of this final approval email and a printout/electronic copy of your revised performance measures with your contract as documentation of the revision by letter to your contract.
7. A contract amendment may be generated and will need to be signed by your authorized signatory.



## FINANCIAL REPORTING TIPS

- ✓ Save your report using the following naming convention: “Agency Initials 2017-2018 FSR Dates Covered” (for example, VT 2017-2018 FSR 8-1-2017 - 9-30-2017).
- ✓ Review your report for completeness and accuracy prior to submitting to Volunteer Tennessee.
- ✓ Submit your report as an attachment sent to your Program Officer, with the other Program Officer cc’d.
- ✓ Periodic Expense Reports (PERs or invoices) may be submitted no more than once per month and must be submitted at least once per quarter.
- ✓ Ensure that no negative values are noted in the CNCS share balance of the PER.
- ✓ Be mindful of how your year-to-date match compares to your required and pledged match levels.
- ✓ Ensure that PERs have been completed for each month in the reporting quarter prior to submitting the FSR.
- ✓ Indicate whether the FSR is final in box 6. A final FSR indicates that all grant activities have been completed and no additional expenses or grantee match need to be claimed.
- ✓ All items in box 10 of the FSR will be automatically populated from the PER. Do not attempt to make changes in the section of the FSR.
- ✓ Indicated whether any Federal funds are used as match in box 11.
- ✓ If Federal funds are used as match, provide the additional information requested in box 11.
- ✓ Indicate the name of the person submitting the FSR and approval date in box 14.
- ✓ If your actual match level is less than the proposed level, describe the program’s plan for ensuring that match is met by the end of the year in the “challenges/corrective actions” narrative box for feedback topic 2.
- ✓ If your actual match level is less than the required level on the final FSR, contact your Program Officer for guidance.
- ✓ If the program’s enrollment or retention rate is less than 100%, provide an explanation in the “challenges/correction actions” narrative box for feedback topic 4. Note that you may run an Enrollment or Retention Rate Report in the eGrants Portal to assess your compliance with this expectation.
- ✓ If any member enrollment or exit forms were submitted in the eGrants Portal outside the required 30 day window, provide an explanation in the “challenges/corrective actions” narrative box for feedback topic 5. You may run an Enrollment or Exit Timeliness report in the eGrants Portal to assess your compliance with this requirement.
- ✓ Ensure that you have provided Volunteer Tennessee a copy of your most recent audit report. If you have not previously provided a copy of the report for your most recently completed fiscal year, indicate when you expect to receive it in the “challenges/corrective actions” narrative box for feedback topic 6.
- ✓ Following the resolution of the Q1 FSR, please be sure to use the version of the PER/FSR workbook that includes the Program Officer’s feedback (and your responses, if any) for submitting PERs and FSRs for the remainder of the program year.



## AmeriCorps Budget Revision Instructions

**Revisions to your budget require approval by Volunteer Tennessee, and in some cases the Corporation for National and Community Service.**

### **When should a request for a revision be submitted?**

Any time you need to move funds from one line item to another, need to add a budget line item, or reduce your approved match level. Submit the request via e-mail, including a summary of the changes being requested and an explanation for why the changes are needed, as soon as possible after the situation that necessitates the need for revision. Note that reductions in approved match level will only be considered in rare situations with significant extenuating circumstances.

### **Why do revisions need approval?**

So that Volunteer Tennessee can monitor the approved budget and ensure proper stewardship of federal funds. Also, the contract and AmeriCorps Terms and Conditions may require approval of changes.

### **Who should request revisions?**

Either the Financial Director or the Program Director can initiate changes to the budget. However, it is very important that ***both*** the Financial Director and Program Director review the changes before starting the process regardless of who actually initiates the budget revision process. Please follow established processes at your host agency for reviewing grant changes.

### **Budget revisions:**

1. Complete the Budget Revision Worksheet on the next tab. Any yellow shaded cell needs to be filled in. Once completed and reviewed send it along with a written justification to your Program Officer via email.
2. Your Program Officer will review the request, make revisions to your PER-FSR Spreadsheet, and notify you via email whether the revision has been approved and attach the new PER-FSR Spreadsheet you should use going forward.\* If necessary, the Program Officer will also initiate a contract amendment.
3. Keep a copy of the final approval email and a printout of your approved Budget Revision Worksheet with your contract as documentation of the revision to your contract.

\*Revisions that move more than 10% of the total budget between sections may also require approval by the Corporation for National and Community Service.



## Budget Revision Worksheet

**Grantee Name:** \_\_\_\_\_ **Grant Number:** \_\_\_\_\_  
**Budget Year:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Line Item Description	CNCS Share Modification			Grantee Share Modification		
	Approved CNCS Share	Adjustment (+, -) to CNCS Share	Revised Amount (Amendment Requested)	Approved Grantee Share	Adjustment (+, -) to Grantee Share	Revised Amount (Amendment Requested)
<b>Section I. Program Op. Costs</b>						
A. Personnel			\$0.00			\$0.00
B. Benefits			\$0.00			\$0.00
C. Travel						
Staff Travel			\$0.00			\$0.00
Travel to CNCS Sponsored Mtgs						
Member Travel			\$0.00			\$0.00
C. Travel Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
D. Equipment			\$0.00			\$0.00
E. Supplies			\$0.00			\$0.00
F. Contractual & Consultant Services			\$0.00			\$0.00
G. Training						
Staff Training			\$0.00			\$0.00
Member Training			\$0.00			\$0.00
G. Training Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
H. Evaluation			\$0.00			\$0.00
I. Other Program Operating Costs			\$0.00			\$0.00
<b>Section I. Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Section II. Member Costs</b>						
A. Living Allowance			\$0.00			\$0.00
B. Member Support Costs						
FICA			\$0.00			\$0.00
Worker's Comp			\$0.00			\$0.00
Health Care			\$0.00			\$0.00
B. Member Support Subtotal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Section II. Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>% Section II</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>
<b>Section III. Administrative Costs</b>						
A. Corporation Fixed amount			\$0.00			\$0.00
B. Federally Approved Indirect Cost Rate			\$0.00			\$0.00
<b>Section III. Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>% Sections I and III</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>
<b>Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total %</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>	<b>#DIV/0!</b>

- **Include Letter of Request and Justification for Budget Modification in email upon submission.**

# Ten Elements of Program Continuity Planning



Timeline/Calendar

Manage a **calendar** that incorporates CNCS, organizational, program, and subgrantee level timelines.



\$/Funding

Keep records of **types, amounts, and sources of program funding**, as well as grant end dates, spending status and how the budgets are managed at your organization.



“Playbooks”

Maintain **written policies and procedures** on all program management aspects and AmeriCorps requirements. Develop **transition materials** for potential new staff.



Staff Engagement

Develop program management in which **operational knowledge is shared** by multiple staff, leadership is engaged at multiple levels, and financial and program staff cooperate.



Technology

Prepare information on **technology used** in program management – how to access and use it and where to go for help.



Recordkeeping

Maintain **complete and compliant records**. Provide new staff with access to program files and educate them about recordkeeping procedures and requirements.



Performance Measurement/ Reporting

Prepare clear guidance on your **performance measurement and data collection** processes and instruments and how they are used for reporting.



Member Management/ Support

Outline **member management processes** – recruitment, enrollment/exit deadlines, service sites, training, timekeeping and payroll, supervision, pending grievances, alumni engagement, etc.



Contacts/ Relationships

List and describe contacts and functions of **key stakeholders**, such as board members, partners, funders, subgrantees, site directors/member supervisors, media, etc.



Resources

Outline **external support** available to your organization during transition, such as: AmeriCorps regulations and guidance; CNCS staff; peers; grantee groups; etc.



## Continuity Planning – Self-Assessment

1. **Timeline/Calendar** - *Manage a calendar that incorporates CNCS, Volunteer Tennessee, organizational, program, and subgrantee level timelines.*

Current practices assessment: \_\_\_\_\_

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Improvements: \_\_\_\_\_

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2. **\$/Funding** - *Keep records of types, amounts, and sources of program funding, as well as grant end dates, spending status and how the budgets are managed at your organization.*

Current practices assessment: \_\_\_\_\_

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Improvements: \_\_\_\_\_

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3. **“Playbooks”** - *Maintain written policies and procedures on all program management aspects and AmeriCorps requirements. Develop transition materials for potential new staff.*



Current practices assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Improvements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Staff Engagement** - *Develop program management in which operational knowledge is shared by multiple staff, leadership is engaged at multiple levels, and financial and program staff cooperate.*

Current practices assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Improvements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Technology** - *Prepare information on technology used in program management – how to access and use it and where to go for help.*

Current practices assessment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Improvements: \_\_\_\_\_



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**6. Recordkeeping** - *Maintain complete and compliant records. Provide new staff with access to program files and educate them about recordkeeping procedures and requirements.*

Current practices assessment: \_\_\_\_\_

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Improvements: \_\_\_\_\_

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**7. Performance Measurement and Reporting** - *Prepare clear guidance on your performance measurement and data collection processes and instruments and how they are used for reporting.*

Current practices assessment: \_\_\_\_\_

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Improvements: \_\_\_\_\_

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**8. Member Management and Support** - *Outline member management processes – recruitment, enrollment / exit deadlines, service sites, training, timekeeping and payroll, supervision, pending grievances, alumni engagement, etc.*

Current practices assessment: \_\_\_\_\_



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Improvements: \_\_\_\_\_

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**9. Contacts/Relationships** - *List and describe contacts and functions of key stakeholders, such as board members, partners, funders, subgrantees, site directors/member supervisors, media, etc.*

Current practices assessment: \_\_\_\_\_

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Improvements: \_\_\_\_\_

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**10. Resources** - *Outline external support available to your program(s) during transition, such as: AmeriCorps regulations and guidance; CNCS staff; peers; grantee groups; etc.*

Current practices assessment: \_\_\_\_\_

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Improvements: \_\_\_\_\_

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## In-Kind Contribution Form

### Contributor Information

Name of Business  
or Individual: \_\_\_\_\_

Name of Primary Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Contributed Goods or Services

Description of Contributed Goods or Services: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s) Contributed: \_\_\_\_\_

Real or Estimated Value of Contribution: \$ \_\_\_\_\_

How was the value determined?:  Actual Value  Appraisal  Other

If other, please explain: \_\_\_\_\_

Who Made this Value Determination?: \_\_\_\_\_

Is there a restriction on the use of this contribution?:  No  Yes

If yes, what are the restrictions?: \_\_\_\_\_

Was this contribution obtained with or supported by Federal funds?:  No  Yes

If yes, please provide the name of the Federal agency and the grant or contract number: \_\_\_\_\_

Signature of Contributor Date

*Thank you for your support!!*

### Program/Account Use Only:

*Person Receiving Goods or Services on Behalf of Program:*

<i>Printed Name</i>	<i>Position</i>
<i>Signature</i>	<i>Date Received</i>

*Accounting Use Only:*

\$ _____	_____	_____	_____	_____
<i>Value Recorded</i>	<i>DR/CR Account Numbers</i>	<i>Date Entered</i>	<i>Data Entry Person</i>	<i>JE Number</i>



## **National Service Criminal History Checks (NSCHC)**

Under the National and Community Service Act of 1990, as amended by the Serve America Act (SAA), all grantees must conduct National Service Criminal History checks on participants and program employees in AmeriCorps, Foster Grandparent, Senior Companion, MLK, 9/11, Volunteer Generation Fund and any other programs funded by the Corporation under National Service laws.

The following policy, procedure, and guidance resources are available from CNCS:

### **NSCHC Manual**

[https://www.nationalservice.gov/sites/default/files/documents/NSCHC\\_manual\\_final\\_11-15-18\\_508.pdf](https://www.nationalservice.gov/sites/default/files/documents/NSCHC_manual_final_11-15-18_508.pdf)

### **NSCHC Frequently Asked Questions**

[https://www.nationalservice.gov/sites/default/files/documents/NSCHC%20FAQs\\_508\\_0.pdf](https://www.nationalservice.gov/sites/default/files/documents/NSCHC%20FAQs_508_0.pdf)

Additional introductory information and guidance can be found here:

<https://www.nationalservice.gov/resources/criminal-history-check>

**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

**45 CFR Parts 2510, 2522, 2540, 2551, and 2552**

**RIN 3045-AA56**

**Criminal History Check Requirements for AmeriCorps State/National, Senior Companions, Foster Grandparents, the Retired and Senior Volunteer Program, and Other National Service Programs; Final Rule**

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule.

**SUMMARY:** To implement the Serve America Act, the Corporation for National and Community Service (CNCS) proposed amendments to its National Service Criminal History Check regulation on July 6, 2011. This final rule adopts the proposed amendments, clarifies several requirements, and makes minor technical corrections. The amendments require CNCS grantees to conduct and document a National Service Criminal History Check that includes a fingerprint-based FBI criminal history check on individuals in covered positions who begin work, or who start service, on or after April 21, 2011, and who have recurring access to children 17 years of age or younger, to persons age 60 and older, or to individuals with disabilities. Individuals in covered positions include Senior Companions (SCP), Foster Grandparents (FGP), AmeriCorps State and National participants, and other participants, volunteers, or staff funded under a CNCS grant.

**DATES:** This final rule is effective January 1, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Amy Borgstrom, Corporation for National and Community Service, 1201 New York Avenue NW., Washington, DC 25025. She may be reached at (202) 606-6930 (*aborgstrom@cns.gov*). The TDD/TTY number is (202) 606-3472.

You may request this notice in an alternative format for the visually impaired.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

*a. National Service Criminal History Check Requirements Prior to the Serve America Act*

In 2007, the Corporation issued rules requiring grantees to conduct criminal history checks on the members, volunteers, and grant-funded staff who had recurring access to children,

persons age 60 or older, or individuals with disabilities. Recurring access meant having contact with individuals from one or more of the above groups on more than one occasion. These 2007 rules only applied to the AmeriCorps State and National, FGP and SCP programs. The rules did not apply to the Retired and Senior Volunteer Program (RSVP), Learn and Serve America (LSA), or other CNCS-funded programs. Affected grantees could apply to CNCS for approval of an alternative search procedure (ASP) if state law precluded them from complying with the national service criminal history check requirements or if they could obtain substantially the same information using a different process. The regulation also permitted grantees to conduct a fingerprint-based FBI criminal history check in lieu of the required state criminal history registry check(s).

*b. The Serve America Act's National Service Criminal History Check Requirements*

In 2009, Congress amended the National and Community Service Act of 1990 (42 U.S.C. 12501 *et seq.*) (NCSA) with the Serve America Act (Pub. L. 111-13) (SAA). The SAA codified CNCS's regulatory National Service Criminal History Check requirements and expanded the categories of positions covered by the criminal history check requirements. Under the SAA, on or after October 1, 2009, any entity that selects an individual to serve in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws must conduct a criminal history check on that individual. Individuals in covered positions now include grant-funded staff serving in any CNCS-funded national service program, including RSVP, LSA, Non-profit Capacity Building, and the Social Innovation Fund (SIF) grant programs.

Notably, the SAA expanded the categories of covered positions subject to the National Service Criminal History Check requirements without regard to the individual's access to vulnerable populations. It also prohibited individuals convicted of murder from serving in covered positions. The SAA also required that after April 21, 2011, individuals in covered positions with recurring access to vulnerable populations must have a fingerprint-based FBI criminal history check conducted as part of the National Service Criminal History Check. As directed by the SAA, CNCS issued new regulations in 2009, expanding coverage

to any national service participant, volunteer or grant-funded employee who received one of the above-described payments for his or her service or employment. (74 FR 46495, September 10, 2009). Pursuant to these regulations, each individual in a covered position who does not have recurring access to vulnerable populations who began work or started service with a grantee on or after October 1, 2009, is required to undergo a National Service Criminal History Check that includes: (1) A nationwide check of the National Sex Offender Public Web site (NSOPW); and (2) a search of *either* (a) the state criminal registry(ies) in the state in which the grantee is operating and the state in which the individual resides at the time of application, *or* (b) a Federal Bureau of Investigation (FBI) fingerprint-based criminal history check.

*c. Special Rule for Individuals With Recurring Access to Vulnerable Populations*

The SAA specified separate National Service Criminal History Check requirements for individuals in covered positions with recurring access to vulnerable populations. Beginning April 21, 2011, entities that select individuals to serve in covered positions who are 18 or older and who will have recurring access to children age 17 or younger, individuals age 60 or older, or individuals with disabilities must conduct for each individual: (1) A nationwide check of the NSOPW; (2) a search of the state criminal registry(ies) in the state in which the individual in a covered position will be primarily serving or working and the state in which the individual resides at the time of application; *and* (3) an FBI fingerprint-based criminal history check. The SAA created limited exceptions to this special rule.

**II. Discussion of the Final Rule**

To implement National Service Criminal History Check provisions of the SAA, CNCS published a notice of a proposed rulemaking in the **Federal Register** on July 6, 2011. (76 FR 39361). This final rule implements the SAA with regard to individuals in covered positions with recurring access to vulnerable populations. In addition, the final rule clarifies several requirements in the existing rule and makes minor technical corrections for clarity.

*a. Definitions and Applicability*

1. Definition of "Program" (§ 2510.20)

The SAA amended the NCSA's definition of *program* to include newly-

authorized programs including Campuses of Service, Serve America Fellows, Encore Fellows, Silver Scholars, the Social Innovation Fund, and activities funded under programs such as the Volunteer Generation Fund. The final rule aligns the definition of *program* in the regulation with the statutory definition, corrects a typographical error, and corrects the statutory citation.

## 2. Definition of “You” (§ 2540.200)

Because this rule sets forth the National Service Criminal History Check provisions in one location in the Code of Federal Regulations, and because the rule applies to recipients of CNCS federal financial assistance who have individuals in covered positions, this final rule is written using program-neutral terminology. Accordingly, “you” in this final rule means a Corporation grantee or other entity subject to Corporation grant provisions. Unless the context otherwise requires, this includes, but is not limited to, recipients of federal financial assistance under grant programs defined in § 2510.20 of this final rule, as well as SCP, FGP, and RSVP projects.

## 3. Individuals in Covered Positions (§ 2540.201)

The final rule clarifies that the National Service Criminal History Check eligibility criteria apply to individuals in covered positions and aligns the definition of the term “covered position” with the language of the SAA. The reference in the proposed rule to the definition of *program* in § 2510.20 was removed from the final rule for clarity. The SAA extended application of the National Service Criminal History Check requirements to entities receiving CNCS grants under the national service laws, which include the NCSA and the Domestic Volunteer Service Act of 1973 (DVSA), as amended. While the National Service Criminal History Check requirements apply to programs defined in § 2510.20, the applicability is not limited to those programs. The requirements also apply to individuals in covered positions in the SCP, FGP, and RSVP programs. It should be clear that a National Service Criminal History Check is not required for individuals whose connection to the grantee is tangential, or who are considered beneficiaries. For example, a National Service Criminal History Check would not be required for an individual contracted to provide occasional training to participants and volunteers, but is not otherwise integral to the operation of the program, nor would it be required for a child who

receives a cash prize from a program for completing a service-learning project.

## b. Eligibility Criteria—AmeriCorps State and National Positions (§ 2522.200)

The SAA amended the NCSA to prohibit an individual convicted of murder, as defined under 18 U.S.C. 1111, from serving in a covered position. In 2009, CNCS amended the National Service Criminal History Check regulations to reflect this statutory change concerning eligibility. As the regulatory sections updated in 2009 indicated, the change applied to AmeriCorps State and National. However, CNCS inadvertently failed to update the provision in the regulation that specifically addresses eligibility to serve in an AmeriCorps State and National position. This final rule corrects this oversight to reflect in this section that eligibility for service in an AmeriCorps State and National position includes satisfaction of the National Service Criminal History Check eligibility criteria.

The 2009 amendments to the National Service Criminal History Check regulations created some confusion regarding the eligibility of individuals convicted of murder, as defined under 18 U.S.C. 1111, from serving in a covered position. Congress declared that, as of October 1, 2009, individuals convicted of murder may not work or serve in covered positions. This Congressional mandate gave no discretion to CNCS to waive or modify this eligibility requirement.

Consequently, grantees with individuals convicted of murder who are currently serving or working in a covered position, including staff, must remove those individuals from the covered positions. For those individuals for whom a state registry or FBI criminal history check was not required prior to this final rule (e.g., those individuals who began work or service before October 1, 2009, without a subsequent break in service), grantees will be permitted to rely on the individuals’ self-certification that they have never been convicted of murder as defined by 18 U.S.C. 1111, in lieu of conducting a criminal history check. The definition in 18 U.S.C. 1111 is as follows: “Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, child abuse, burglary, or robbery; or perpetrated as part of a

pattern or practice of assault or torture against a child or children; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree.”

Individuals who have been convicted of murder have been ineligible to serve as of October 1, 2009, and therefore, all costs associated with these individuals are potentially disallowable since that date.

## c. National Service Criminal History Checks Generally (§ 2540.203)

The National Service Criminal History Check for individuals in covered positions must include (1) a nationwide check of the Department of Justice’s National Sex Offender Public Web site (NSOPW) and (2) *either* (a) a name- or fingerprint-based search of the official state criminal history registry in the state in which the grantee is operating and of the official state criminal history registry in the state in which the individual resides at the time of application, *or* (b) submission of fingerprints through a state central record repository to the Federal Bureau of Investigation for a national criminal history background check.

Because of the importance of proper screening and because the NSOPW is a widely-available and free public resource, the NSOPW search must be nationwide (i.e., all states and territories) in order to meet the National Service Criminal History Check requirement. If any of the databases comprising the NSOPW are down, offline, or otherwise unavailable, the NSOPW check is incomplete until all databases are checked. The rule has been revised to clarify this requirement. Additionally, because of the availability of this free public resource, grantees must conduct an NSOPW check for any individual currently serving or working in a covered position defined under this rule, regardless of when the individual was hired or started service, and regardless of their access to vulnerable populations. Finally, as a prudential action, all CNCS grantees, when conducting a search of the name-based NSOPW, should include not only the applicant’s current legal name, but also any previous names or aliases by which the applicant may have been known.

Since 2007, CNCS has required grantees operating in more than one state that conduct state criminal registry checks to conduct the checks in the state where the individual in a covered position will be primarily serving or working and in the state in which the

individual resides at the time of application. The final rule codifies this requirement.

Comments received by CNCS indicated that the formatting of the proposed rule made it difficult to determine which components of the National Service Criminal History Check are required. The rule has been reformatted to make the requirements clear. Additionally, the heading of this section was edited to be consistent with the other section headings.

CNCS also received comments requesting resolution of the ambiguity in the proposed rule regarding the time at which an individual is considered of age for the special rule for individuals with recurring access to vulnerable populations to apply. The final rule establishes that the rule applies to an individual who will be 18 years old or older at any time while serving in a covered position. The final rule also replaces the broad term "vulnerable population" with the specific groups statutorily defined as "vulnerable populations," where necessary, to resolve any ambiguity.

This section of the final rule is the first section in which the words "enrolled" and "hired" are replaced with "starts service" and "begins work," respectively. These words are updated throughout the final rule because comments suggested that the use of "enrolled" and "hired" created some confusion. For some grantees, "enrolled" has a specific operational meaning that does not reflect the intended timing in the context of the rule. Therefore, the word, "enrolled," has been replaced with the words, "starts service," to more clearly convey the intended timing requirements of the final rule. For the purposes of this rule, an individual "starts service" when the individual's time begins to be credited toward their service commitment; an individual "begins work" when the individual engages in activities chargeable to the grant."

The proposed rule reflected CNCS's intent to eliminate unnecessary replication of the National Service Criminal History Check provisions in the Code of Federal Regulations, and anchors the substantive provisions in one location. Because grantees subject to the National Service Criminal History Check provisions use different terminology, and comments indicated that the terminology may have caused confusion, the final rule includes a definitional section to eliminate confusion concerning the applicability of the provisions. Sections have been renumbered and citations throughout

the rule have been updated accordingly to accommodate its inclusion.

*d. Special Rule for Individuals With Recurring Access to Vulnerable Populations (§ 2540.203)*

This final rule implements the National Service Criminal History Check requirements for individuals in covered positions with recurring access to vulnerable populations who began work or who started service on or after April 21, 2011. The NCSA, as amended by the SAA, defines vulnerable populations as children age 17 or younger, individuals age 60 or older, or individuals with disabilities. The final rule now more clearly defines "vulnerable population." Unless CNCS approves an alternative search procedure or an exception under § 2540.207, for individuals in covered positions who will be 18 or older and who also have recurring access to vulnerable populations, grantees must conduct (1) a nationwide check of the NSOPW (<http://www.nsopw.gov>), (2) a name- or fingerprint-based search of the official state criminal registry in the state in which the grantee is operating and of the official state criminal registry in the state in which the individual resides at the time of application, and (3) submission of fingerprints through a state central record repository to the Federal Bureau of Investigation for a national criminal history background check.

CNCS continues to define "recurring access" as "the ability on more than one occasion to approach, observe, or communicate with an individual through physical proximity or other means, including but not limited to, electronic or telephonic communication." (45 CFR 2510.20).

In anticipation of the final rule, current grantees have inquired as to whether CNCS would develop a centralized mechanism for conducting FBI fingerprint checks for national service participants. CNCS is committed to identifying ways to decrease the burden on grantees; however, no such centralized mechanism is available at this time.

*e. Timing of National Service Criminal History Check and Consecutive Terms (§ 2540.204)*

Grantees must conduct and document the results of the nationwide NSOPW check *before* an individual begins work or starts service. The NSOPW is a free public resource available at <http://www.nsopw.gov/>.

Under § 2540.204(b) of this final rule, it is not necessary to perform an additional National Service Criminal

History Check on an individual who serves consecutive terms of service with the same grantee when the break in service does not exceed 120 days, as long as the original check is a compliant check for the covered position in which the individual will be serving or working following the break in service. For example, if an individual serves an original term in a covered position with no recurring access to vulnerable populations, but will be serving the consecutive term in a covered position with recurring access to vulnerable populations, the grantee must ensure that any additional National Service Criminal History Check components required for the position are conducted (e.g. the fingerprint-based FBI check). This section allows, but does not require, a grantee to forego additional National Service Criminal History checks for individuals serving consecutive terms, based upon a presumption that the additional check would, in large part, replicate the original check and that the grantee's proximity to the individual would increase the likelihood that the grantee would have knowledge of the individual's activity.

Grantees must conduct a National Service Criminal History Check under this final rule on individuals in covered positions who, on or after April 21, 2011, begin work or start service (1) following a break in service exceeding 120 days or (2) with a new grantee.

*(f) No Unaccompanied Access to Vulnerable Populations Pending National Service Criminal History Check Results (§ 2540.205)*

This final rule codifies CNCS's understanding that it is common for vulnerable population beneficiaries to be accompanied by a parent, legal guardian, teacher, doctor, nurse, or other individual responsible for his or her care. CNCS does not believe it is necessary for an individual with pending National Service Criminal History Check results to be accompanied by an authorized grantee representative who has received the appropriate criminal history check when the vulnerable population beneficiary is accompanied by an individual responsible for his or her care.

While results from the state or FBI criminal history check components of the National Service Criminal History Check are pending, grantees may allow individuals in covered positions with recurring access to vulnerable populations to begin work or start service, as long as the individual is not permitted access to vulnerable

populations without being accompanied by (1) an authorized grantee representative who has previously been cleared for such access; (2) a family member or legal guardian of the vulnerable individual; or (3) an individual authorized by the nature of his or her profession to have recurring access to the vulnerable individual, such as an education or medical professional. Accompaniment is a higher standard than supervision in that it requires the individual with recurring access to vulnerable populations to be in the physical presence of the accompanying individual. For example, a covered individual whose criminal history check component results are pending may give nature tours to schoolchildren as part of an environmental program as long as the covered individual is within the physical presence of teachers or parents.

The final rule has been changed based on comments CNCS received about the ambiguity in the term “accompaniment.” The final rule uses the phrase “physical presence” in place of “accompaniment” to convey the intended meaning and specific requirement.

*g. Costs (§ 2540.205)*

The rule requires grantees to obtain and document a baseline criminal history check for individuals in covered positions. CNCS considers the cost of this required National Service Criminal History Check a reasonable and necessary program grant expense, such costs being presumptively eligible for reimbursement. In any event, a grantee should include the costs associated with its screening process in the grant budget it submits to CNCS for approval.

This rule codifies CNCS’s guidance that a grantee may not charge an individual for the cost of a National Service Criminal History Check unless CNCS has given written permission to do so. In addition, because a National Service Criminal History Check is inherently attributable to operating a program, such costs may not be charged to a state commission administrative grant.

*h. Documentation Requirements (§ 2540.206)*

Grantees must retain the criminal history check results along with written documentation that they considered the results in selecting the individual. The grantee must review and determine that the information returned by the governmental body issuing criminal history registry results provides information that would allow the grantee to determine whether or not an

individual was eligible to work or serve in a covered position under the final rule. For example, if a grantee receives a document from the statewide criminal history registry that indicates that the individual is “cleared” for service based upon an agreement that describes CNCS’s standards for eligibility, that clearance document may be retained as the sufficient documentation of the criminal history check results, along with written documentation that the grantee considered the result in selecting the individual.

*i. Alternative Search Procedures and Exceptions to the National Service Criminal History Check Requirements for Individuals in Covered Positions With Recurring Access to Vulnerable Populations (§ 2540.207)*

The headings and structure of this section have been modified from those in the proposed rule in order to clarify the substantive content, and to clearly distinguish alternative search procedures from the statutory exceptions to the fingerprint-based FBI criminal history check requirement for individuals in covered positions with recurring access to vulnerable populations. A grantee may request in writing that CNCS approve an alternative search procedure for the National Service Criminal History Check components described in § 2540.203(a) or § 2540.203(b)(2)(i)–(ii), if the grantee (1) is prohibited under state law from meeting the requirements of § 2540.203(a) or § 2540.203(b)(2)(i)–(ii) or (2) demonstrates that it can obtain substantially equivalent or better information through an alternative search procedure.

Grantees may also apply to CNCS for approval of an exception from the fingerprint-based FBI criminal history check component of the National Service Criminal History Check, described in § 2540.203(b)(2)(iii), for an individual in a covered position with recurring access to vulnerable populations. CNCS may approve such an exception if the entity demonstrates to CNCS’s satisfaction (1) that the cost to the grantee of complying with 45 CFR 2540.203(b)(2)(iii) is prohibitive; (2) that the entity is not authorized, or is otherwise unable, under State or Federal law, to access the national criminal history background check system of the FBI; or (3) that there is sufficient justification for CNCS to exempt the grantee from the requirement for good cause.

1. Episodic Access (§ 2540.207)

Congress granted those individuals in covered positions with recurring access

to vulnerable populations an exception to the FBI fingerprint-based criminal history check requirement when their access to vulnerable populations is “episodic in nature or for a [one]-day period.” For the purpose of this final rule, the Corporation defines “episodic” as access that is not a regular, scheduled, and anticipated component of an individual’s service activities. If access to vulnerable populations is not a regular, scheduled, and anticipated component of an individual’s service activities, the grantee is not required to conduct a fingerprint-based FBI criminal history check. However, the grantee must conduct the other components of the National Service Criminal History Check, as described in § 2540.203(b)(2)(i)–(ii) or under an approved ASP.

For example, consider an individual who is applying for an AmeriCorps position with an environmental program that involves volunteer coordination. If the grantee anticipates that the position will involve coordinating high school student volunteers on a regular basis, then the grantee must conduct a fingerprint-based FBI criminal history check on that individual. However, if the grantee has no reason to expect that the position will involve coordinating 17-year-old and younger volunteers because the grantee has never operated in a youth environment, does not have any youth engagement goals, and does not recruit high school aged volunteers, then any contact with a child volunteer would be irregular, unscheduled, unanticipated, and thus, episodic. Therefore, the grantee would not need to conduct a fingerprint-based FBI criminal history check. However, the grantee must conduct the other components of the National Service Criminal History Check, as described in § 2540.203(b)(2)(i)–(ii) or under an approved ASP.

Episodic access is not determined by a specific number. In other words, if a grantee does not anticipate that a member will have access to vulnerable populations, the need to meet the National Service Criminal History Check requirements for individuals in covered positions with access to vulnerable populations would not materialize after a specific number of incidents of access occur, but would once the access becomes regular, scheduled and anticipated. If incidental access becomes unexpectedly regular or frequent, a grantee should re-evaluate its initial determination of episodic access and take appropriate action.

CNCS expects that in the majority of cases, it will be clear whether or not access to vulnerable populations is a

regular, scheduled, and anticipated component of an individual's service activities. Nevertheless, CNCS recommends that grantees specifically address contact with vulnerable populations in each position description, service agreement, or similar document describing an individual's service activities.

## 2. Exemptions Approved for Good Cause

CNCS will publish on its Web site (<http://www.nationalservice.gov>) those scenarios for which CNCS has approved

exemptions for "good cause" from the fingerprint-based FBI criminal history check requirement in § 2540.203(b)(2)(iii). The list of approved "good cause" exemptions may be expanded and codified in future rulemakings.

CNCS will monitor compliance with the rules and requirements associated with National Service Criminal History checks as a material condition of receiving a CNCS grant. An entity's failure to comply may adversely affect the entity's access to grant funds or ability to obtain future funding from

CNCS. In addition, an entity jeopardizes its eligibility for reimbursement of costs and hours related to an individual if it fails to perform or properly document the required National Service Criminal History Check.

## III. Non-Regulatory Matters

### *Coverage Based on Start Date*

The table below illustrates what National Service Criminal History Check components are required of individuals serving or working after January 1, 2013.

Recurring Access to vulnerable populations?		Individuals who, on or after the effective date of this rule, Began Work or Started Service											
		Before November 23, 2007			November 23, 2007 – September 30, 2009			October 1, 2009 – April 20, 2011			On or after April 21, 2011		
		N	S	F	N	S	F	N	S	F	N	S	F
AmeriCorps	Yes	✓			✓	✓		✓	✓		✓	✓	✓
S & N	No	✓			✓			✓	✓		✓	✓	
FGP	Yes	✓			✓	✓		✓	✓		✓	✓	✓
	No	✓			✓			✓	✓		✓	✓	
Senior	Yes	✓			✓	✓		✓	✓		✓	✓	✓
Companion	No	✓			✓			✓	✓		✓	✓	
RSVP staff	Yes	✓			✓			✓	✓		✓	✓	✓
	No	✓			✓			✓	✓		✓	✓	
VISTA grant-funded staff	Yes	✓			✓			✓	✓		✓	✓	✓
	No	✓			✓			✓	✓		✓	✓	
Learn & Serve	Yes	✓			✓			✓	✓		✓	✓	✓
	No	✓			✓			✓	✓		✓	✓	
Other Grant Programs	Yes	✓			✓			✓	✓		✓	✓	✓
	No	✓			✓			✓	✓		✓	✓	

N = NSOPW; S = State registry check; F = FBI fingerprint check

**IV. Comments and Responses**

CNCS published the proposed rule with a 30-day comment period in the **Federal Register** of July 6, 2011 (76 FR 39361). We received over 150 comments on the proposed rule. Most of the

commenters identified themselves as representatives of grantees required to comply with the rule. The most relevant comments and our responses are set forth below.

*Comment:* The majority of commenters expressed disapproval with

the rule's requirement that individuals working with vulnerable populations must submit their fingerprints to the FBI for a national criminal history background check. The commenters disapproved of the requirement because

the process for complying with the requirement is time consuming, costly, and logistically challenging for grantees and participants. As a result, the commenters said that the increased administrative and financial burden the requirement imposes on grantees will significantly impact their ability to recruit participants and operate effectively. Additionally, the commenters considered the requirement unnecessarily redundant, as many of the grantees already require individuals to complete several criminal history background checks and that the additional requirement of a fingerprint-based FBI check provides very little new information.

*Response:* We acknowledge the concerns expressed about the FBI fingerprinting process and the administrative impact the requirement may have on some grantees. We, like all executive agencies, may exercise discretion in issuing rules, but only to the extent discretion is granted to us by law. The law requires individuals working with vulnerable populations to submit their fingerprints to the FBI for a national criminal history check; however, the law also created exceptions to the fingerprint-based FBI criminal history check. Grantees may use the “episodic access” exception without our written approval. The other available exceptions require that you contact our Office of Grants Management for written approval. The procedure for requesting an exception is in 45 CFR 2540.207.

*Comment:* Several of the comments we received indicated that the cost of the FBI criminal history background check could be a financial burden for the grantee and for the participants and volunteers.

*Response:* We acknowledge the administrative and financial impact that the fingerprint-based FBI criminal history check could have on grantees. The law created exceptions to the fingerprint-based FBI criminal history check requirement for individuals in covered positions with recurring access to vulnerable populations, one of which is when it is cost-prohibitive for the grantee to comply. Grantees may request written approval of an exception by contacting our Office of Grants Management.

We want to reiterate that unless we grant specific permission in writing, a grantee may not charge an individual for the cost of any component of a National Service Criminal History Check. In the absence of specific written permission, the grantee must not, even when the check returns unfavorable results, require the applicant or participant to

ultimately bear the cost of the criminal history check.

*Comment:* The U.S. Department of Justice, FBI, Criminal Justice Information Systems (CJIS) commented that the final rule did not adequately address the role played by the state central record repositories and requested that CNCS revise the rule to specify that entities must submit fingerprints to the FBI through the state central record repository.

*Response:* We agree and have amended the rule to reflect the process established by FBI CJIS to process the fingerprint-based FBI criminal history checks required by the SAA. State central record repositories are critical to the infrastructure established by FBI CJIS for the processing of national criminal history background checks. In its October 31, 2011 memorandum to state central record repositories on the implementation of the SAA, FBI CJIS stated that those organizations subject to the SAA (and this final rule) “must contact the state repository in the state of operation to determine if the organization can access national criminal history record information.” In lieu of state statutory provisions, fingerprint-based state and national criminal history checks for CNCS grantees could be authorized by three federal legal authorities: the SAA, the National Child Protection Act, as amended by the Volunteers for Children Act, and Section 153 of the Adam Walsh Act. “Background checks conducted pursuant to the SAA must comply with certain criteria, to include fingerprints submitted via [a state central record repository], designation of a governmental agency to receive and screen the results of the record checks, and non-dissemination of the criminal history record information outside the receiving governmental department or related governmental agencies.”

The FBI CJIS guidance to state repositories stated that “each national service organization must coordinate with the [state central records repository] in the states of program operation/residence to establish procedures for performing state and national criminal history record checks.” The guidance specified further that

“[e]ach [\* \* \* repository] must request a unique Integrated Automated Fingerprint Identification System (IAFIS) originating agency identifier (ORI) or designate an existing ORI for exclusive use under the SAA. The repository must coordinate requests for ORI issuance, or use of a designated ORI, with FBI CJIS Division for programming. All fingerprints submitted to the FBI CJIS Division under this authority

must include the program-designated ORI and be populated with “Serve America Act” or “Serve America Act-Volunteer” as the reason fingerprinted (RFP).”

The full text of the memorandum is available at <http://www.nationalserviceresources.org/files/fbi-memo-to-state-repositories-on-serve-america-act-oct-31-11.pdf>.

We believe that our State Commission partners, as well as state Departments on Aging, Child Welfare Agencies, and Education Agencies can be instrumental in engaging the state central record repositories to streamline the National Service Criminal History Check process for national service grantees operating in their states and ensure proper screening of individuals in covered positions and the full implementation of the SAA.

*Comment:* We received comments regarding the potential discriminatory effects that the use of criminal history checks by grantee organizations may have on individuals’ ability to participate in National Service.

*Response:* The commenters identify an important issue. The use of criminal history records to exclude members and staff from Corporation-funded programs and activities may, in some circumstances, run afoul of federal civil rights laws. Grantees should recognize that they have a dual status under the Civil Rights Act of 1964, depending on the nature of their relationship with an individual. Grantees, as recipients of federal financial assistance, must comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and its implementing regulations, 45 CFR 1203.1 et seq., which prohibit discrimination in Corporation-funded programs and activities, including the selection and placement of volunteers and members, on the basis of race, color, and national origin. Grantees, as employers, must also comply with Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., which prohibits discrimination in employment decisions. The Equal Employment Opportunity Commission (EEOC) has issued guidance explaining when consideration of arrest and conviction records violates Title VII. See [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm). As explained in the EEOC guidance, grantees should be mindful that arrests alone are mere allegations, and that actual criminal convictions (where there has been a formal adjudication by a finder of fact), or actual evidence of conduct underlying an arrest, are the relevant indicators of an individual’s fitness, or in some cases, eligibility (i.e., murder), to serve with, or work for, a Corporation

grantee. Grantees should ensure that their screening practices are narrowly tailored in a manner that complies with these federal nondiscrimination requirements, in addition to applicable state laws governing the consideration of criminal history records.

Grantees also should be mindful that applicants have the right to review and challenge the results of the National Service Criminal History Check. Grantees are required by our regulations to safeguard an individual's personal information and give the individual the opportunity to challenge any adverse findings that result from the National Service Criminal History Check.

*Comment:* We received comments requesting clarification of when the results of a National Service Criminal History Check make an individual ineligible to serve in a covered position.

*Response:* The law prohibits an individual from serving in a national service program in four situations: (1) The individual refuses to consent to the criminal history check; (2) the individual makes a false statement in connection with the criminal history check; (3) the individual is registered or required to be registered as a sex offender; or (4) the individual has been convicted of murder as defined by federal law. If the National Service Criminal History Check returns results that implicate criteria other than those above, the grantee has the discretion, subject to any federal civil rights law and state law requirements, to decide whether or not the results of a criminal history background check disqualify an individual from service with the grantee. Grantees should consider the factors set forth in the EEOC's guidance under Title VII ([http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)), including the nature and gravity of the offense, the time that has passed since the conviction or completion of the sentence, and the nature of the position. Grantees should have written policies on their disqualification criteria and be consistent in how those criteria are applied to all individuals.

In addition, grantees should be aware of federal reentry policy, which seeks to minimize unjustified collateral consequences on formerly incarcerated persons. Participation in national service programs funded by the Corporation could aid the successful reentry of formerly incarcerated persons into society. Therefore, barriers to participation in national service programs for those formerly incarcerated persons who are not statutorily ineligible to serve should be minimized as much as possible without

putting program beneficiaries at genuine risk.

*Comment:* We received comments expressing concern about many grantees' overall level of understanding or ability to interpret the results of a National Service Criminal History Check.

*Response:* Grantees should be aware that, due to pending cases, state law restrictions, and resource issues, the information contained in databases and reports for criminal histories may be missing certain arrest and disposition information. Accordingly, grantees should obtain training, and implement best practices, in the interpretation and use of criminal records for screening participants and staff. We have required grantees to conduct National Service Criminal History Checks since 2007, and have always required that they treat applicants fairly. We reiterate that the grantee is responsible for obtaining the level of expertise necessary to understand the information received in response to the National Service Criminal History Check and use it in a fair manner that is consistent with our regulations and grant conditions. Information obtained from a National Service Criminal History Check is only one of many sources of information that is available about an individual.

*Comment:* We received numerous comments on the proposed rule's requirement that National Service Criminal History Checks be repeated on individuals who serve consecutive terms of service with the same grantee when the break in service exceeds 30 days. The comments suggested that in view of the time it takes to complete the newly-required fingerprint-based FBI criminal background check, a 30-day break in service requirement imposes an additional administrative burden on seasonal or academic-year programs or projects.

*Response:* We agree with the commenters. The FBI fingerprint check takes longer than the process established under our 2007 rule and the SAA expands the number of individuals in covered positions. Balancing the administrative burden on grantees with the importance of proper screening, we determined that a longer break in service period is not unreasonable. Accordingly, the final rule reflects our decision to require that the National Service Criminal History Check be repeated if an individual's break in service exceeds 120 days, and also allows grantees to request approval for a longer break in service than 120 days, as long as the break does not exceed 180 days. The request must describe the program's design, explain why the

longer period is required, and demonstrate the establishment of adequate risk management controls for the extended break in service. We want to clarify that consecutive terms of service requires that the individual serves another term with the same grantee. Checks performed by one grantee on an individual may not be transferred to another grantee. When an individual begins service with a new grantee, that grantee is responsible for conducting a new National Service Criminal History Check. Because the NSOPW is a free and widely-available resource, we encourage grantees with program designs where breaks in service are anticipated to conduct a new nationwide NSOPW check after a break in service of any duration.

*Comment:* We received comments seeking clarification about the status of individuals in covered positions who conducted the appropriate National Service Criminal History Check components when they began work or started service prior to April 21, 2011.

*Response:* The National Service Criminal History Check components of this rule apply to individuals in covered positions who begin work, or who start service, on or after, April 21, 2011. Grantees are responsible for ensuring that those individuals who began work, or who started service, prior to, April 21, 2011, conducted the appropriate National Service Criminal History Check components required by the regulation that was in effect prior to that date. If individuals in covered positions who began work, or who started service prior to, April 21, 2011, subsequently have a break in service that exceeds 120 days, or begins work or service with a different grantee, they must have a Check required by this final rule. If an individual serves consecutive terms of service in a covered position and does not have a break in service that exceeds 120 days, then no additional National Service Criminal History Check is required as long as the original check is a compliant check for the covered position in which the individual will be serving or working following the break in service.

*Comment:* We received numerous comments on the requirement that individuals working with vulnerable populations be accompanied while the components of their National Service Criminal History Check have been submitted, but not yet returned. Commenters suggested that we clarify what we mean by "accompaniment" and how to document it.

*Response:* The purpose of the National Service Criminal History Check is to screen out those individuals

who may pose a risk to the population being served. Accompaniment requires that an individual for whom the National Service Criminal History Check components are pending be, at all times, in the physical presence of (1) an authorized grantee representative who has been previously cleared for such access; (2) a family member or legal guardian of the vulnerable individual; or (3) an individual authorized by the nature of his or her profession to have recurring access to the vulnerable individual, such as an education or medical professional. Accompaniment provides grantees with the opportunity to place participants in service positions before the criminal history background check is complete. Supervision is insufficient because it doesn't provide the immediate oversight that would mitigate risk of a participant's improper conduct sought to be avoided by the National Service Criminal History Check. We have updated the rule to reflect more accurately our intent that accompaniment means that the individual must be in the physical presence of the accompanying individual.

The Office of Grants Management will issue guidance to grantees prior to the effective date of this final rule on how to document compliance with the accompaniment requirements.

*Comment:* We also received comments requesting clarification on how to apply the rule to individuals who reach the age of 18 during their service term.

*Response:* A National Service Criminal History Check is required for individuals who are, or who will reach the age of, 18 or older at any time during their service term. The Check must be conducted in accordance with 2450.204, even if the individual is not yet 18 at the time service or work begins. The final rule reflects this clarification.

*Comment:* Some comments identified areas in the proposed rule where the distinction between exceptions and alternative search procedures was unclear. Other commenters articulated specific challenges they faced in obtaining the required checks.

*Response:* Since implementation of the original National Service Criminal History Check rule in 2007, we have evaluated and approved alternative search procedures when grantees submitted a written request for evaluation of a proposed alternative search procedure. This practice will continue under the new rule. The law also gives us the authority to exempt grantees from conducting the fingerprint-based FBI criminal history check required under the new rule for

individuals in covered positions with recurring access to vulnerable populations. We acknowledge the confusion in the wording of the proposed rule. We have revised the final rule so that the requirements and procedures are clear.

With respect to the comments we received regarding particular challenges grantees face under the new rule, we cannot address those here. Grantees with individual challenges that they believe will justify an exception from § 2540.203(b)(2)(iii) should contact our Office of Grants Management or their Program Officer.

*Comment:* We received comments requesting clarification of the "episodic access" exception from the fingerprint-based FBI criminal history background check requirement for individuals with recurring access to vulnerable populations.

*Response:* A grantee does not need our approval to use the "episodic access" exception to the fingerprint-based FBI criminal history check requirement described in § 2540.203(b)(2)(iii). This is a self-determination grantees will make using the guidance in this notice. We will continue to monitor grantees for compliance with the criminal history background check requirement, including reliance on the episodic access exception.

*Comment:* CNCS received comments indicating that the proposed rule was unclear as to when approval from CNCS is required for individuals in covered positions with recurring access to vulnerable populations to be excepted from the fingerprint-based FBI criminal history check.

*Response:* The final rule has been restructured with new headings to indicate clearly when CNCS approval is required. In the case of episodic access, grantees are responsible for using their best judgment to determine whether or not an individual's access to vulnerable populations is episodic. Approval from the CNCS Office of Grants Management is not required. However, reliance on the self-determined exception for "episodic access" will be monitored by CNCS as a material grant condition.

*Comment:* We received numerous comments expressing concern about our ability to process requests for alternative search procedure approval and fingerprint-based FBI criminal history check exceptions in a timely manner and what grantees should do while their requests are pending.

*Response:* The Office of Grants Management is prepared to process requests from grantees in a prompt manner. This function may not be

delegated to a grantee, such as a State Commission. However, a State Commission may request approval for an alternative search procedure applicable to individual sub-grantees, or to all of their sub-grantees, if applicable. While results of the National Service Criminal History Check are pending, individuals in covered positions with recurring access to vulnerable populations must be accompanied. The final rule and preamble have been updated to clarify this requirement.

## V. Effective Dates and Implementation

This final rule becomes effective January 1, 2013. However, the special rule for individuals in covered positions with recurring access to vulnerable populations will only apply to the selection of individuals in covered positions who began work or who started service with a grantee on, or after, April 21, 2011. Notwithstanding this date, grantees will have until January 1, 2013 to *initiate* the fingerprint-based FBI criminal history check or the state registr(ies) check(s), whichever has not already been initiated, for individuals in covered positions with recurring access to vulnerable populations. A grantee must be certain that it has already satisfied the requirement to conduct an NSOPW check on all individuals who are currently serving or working in covered positions.

Because of the significant period of time between April 21, 2011, and the effective date of the regulation, CNCS has determined that, as a blanket good cause exception implemented by section 2540.207(b)(2) of this final rule, an individual in a covered position with recurring access to vulnerable populations who began work or who started service with a grantee on or after April 21, 2011, and then departed the program or project before January 1, 2013, must have complied with the rule effective on October 1, 2009 (i.e. had a Check that included the NSOPW component and either the State Criminal History registr(ies) component OR the fingerprint-based FBI national criminal history background check component, but not BOTH the State Criminal History registr(ies) component AND the fingerprint-based FBI national criminal history background check component).

## VI. Regulatory Procedures

*Executive Orders 12866 and Executive Order 13563*

Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory

alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a “significant regulatory action,” although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

#### *Regulatory Flexibility Act*

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the Corporation certifies that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This regulatory action will not result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets. Therefore, CNCS has not performed the initial regulatory flexibility analysis that is required under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) for major rules that are expected to have such results.

#### *Unfunded Mandates*

For purposes of Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–1538, as well as Executive Order 12875, this regulatory action does not contain any Federal mandate that may result in increased expenditures in either federal, state, local, or tribal governments in the aggregate, or impose an annual burden exceeding \$100 million on the private sector.

#### *Paperwork Reduction Act*

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), the recordkeeping requirements included in this final rule have been submitted for emergency approval to the Office of Management and Budget (OMB). Due to an oversight, the Paperwork Reduction Act information was not included in the

proposed rule and CNCS is requesting a short-term emergency clearance (OMB Control Number 3045–0145). In order to fairly evaluate whether a recordkeeping requirement should be approved by OMB, section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- The need for the recordkeeping requirement and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Under a separate notice, we will solicit public comment on each of these issues for the following sections of this document that contain recordkeeping requirements: 2540.205, .206.

#### *Executive Order 13132, Federalism*

Executive Order 13132, Federalism, prohibits an agency from publishing any rule that has Federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. The proposed rule does not have any Federalism implications, as described above.

#### **List of Subjects**

##### *45 CFR Part 2510*

Grant programs—social programs, Volunteers.

##### *45 CFR Part 2522*

Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

##### *45 CFR Part 2540*

Administrative practice and procedure, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

##### *45 CFR Part 2551*

Aged, Grant programs—social programs, Volunteers.

##### *45 CFR Part 2552*

Aged, Grant programs—social programs, Volunteers.

For the reasons stated in the preamble, the Corporation for National and Community Service proposes to

amend chapter XXV, title 45 of the Code of Federal Regulations as follows:

#### **PART 2510—OVERALL PURPOSES AND DEFINITIONS**

- 1. The authority citation for Part 2510 continues to read as follows:

**Authority:** 42 U.S.C. 12511.

- 2. Amend § 2510.20 by revising the definition of “program” to read as follows:

##### **§ 2510.20 Definitions.**

\* \* \* \* \*

*Program.* The term program, unless the context otherwise requires, and except when used as part of the term academic program, means a program described in the National and Community Service Act of 1990, as amended (42 U.S.C. 12501 et seq.), in section 112(a) (other than a program referred to in paragraph (3)(B) of that section), 118A, or 118(b)(1), or subsection (a), (b), or (c) of section 122, or in paragraph (1) or (2) of section 152(b), section 198B, 198C, 198H, or 198K, or an activity that could be funded under section 179A, 198, 198O, 198P, or 199N.

\* \* \* \* \*

#### **PART 2522—AMERICORPS PARTICIPANTS, PROGRAMS, AND APPLICANTS**

- 1. The authority citation for Part 2522 continues to read as follows:

**Authority:** 42 U.S.C. 12571–12595; 12651b–12651d; E.O. 13331, 69 FR 9911.

- 2. Amend § 2522.200 by removing the period at the end of paragraph (a)(3) and adding a semicolon in its place and adding paragraph (a)(4) to read as follows:

##### **§ 2522.200 What are the eligibility requirements for an AmeriCorps participant?**

(a) \* \* \*

(4) Satisfy the National Service Criminal History Check eligibility criteria pursuant to 45 CFR 2540.202.

\* \* \* \* \*

- 3. Revise § 2522.205 to read as follows:

##### **§ 2522.205 To whom must I apply the National Service Criminal History Check eligibility criteria?**

You must apply the National Service Criminal History Check eligibility criteria to individuals serving in covered positions. A covered position is a position in which the individual receives an education award or a Corporation grant-funded living allowance, stipend, or salary.

**§ 2522.206 [Removed and Reserved]**

■ 4. Remove and reserve § 2522.206.

■ 5. Revise § 2522.207 to read as follows:

**§ 2522.207 How do I determine an individual's eligibility to serve in a covered position?**

To determine an individual's eligibility to serve in a covered position, you must follow the procedures in part 2540 of this chapter.

**PART 2540—GENERAL ADMINISTRATIVE PROVISIONS**

■ 6. The authority citation for part 2540 continues to read as follows:

**Authority:** E.O. 13331, 69 FR 9911; 18 U.S.C. 506, 701, 1017; 42 U.S.C. 12653, 12631–12637; 42 U.S.C. 5065.

■ 7. Revise § 2540.200 to read as follows:

**§ 2540.200 What does "you" mean in this section?**

As used in this section, "you" means a Corporation grantee or other entity subject to Corporation grant provisions. Unless the context otherwise requires, this includes, but is not limited to, recipients of federal financial assistance under grant programs defined in § 2510.20 of this chapter as well as projects under the Senior Companion Program, the Foster Grandparent Program, and RSVP.

■ 8. Revise § 2540.201 to read as follows:

**§ 2540.201 To whom must I apply the National Service Criminal History Check eligibility criteria?**

You must apply the National Service Criminal History Check eligibility criteria to individuals serving in covered positions. A covered position is a position in which the individual receives an education award or a Corporation grant-funded living allowance, stipend, or salary.

■ 9. Revise § 2540.202 to read as follows:

**§ 2540.202 What eligibility criteria must I apply to a covered position in connection with the National Service Criminal History Check?**

In addition to the eligibility criteria you establish, an individual shall be ineligible to serve in a covered position if the individual—

(a) Refuses to consent to a criminal history check described in § 2540.203 of this chapter;

(b) Makes a false statement in connection with a criminal history check described in § 2540.203 of this chapter;

(c) Is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry; or

(d) Has been convicted of murder, as defined in 18 U.S.C. 1111.

■ 10. Revise § 2540.203 to read as follows:

**§ 2540.203 What search components of the National Service Criminal History Check must I satisfy to determine an individual's eligibility to serve in a covered position?**

(a) *Search procedure for individuals in covered positions who do not have recurring access to vulnerable populations.* Unless the Corporation approves an alternative search procedure under § 2540.207 of this chapter, to determine an individual's eligibility to serve in a covered position, you must conduct and document a National Service Criminal History Check that consists of the following components:

(1) A nationwide name-based search of the Department of Justice (DOJ) National Sex Offender Public Web site (NSOPW), and

(2) Either:

(i) A name- or fingerprint-based search of the official state criminal history registry for the state in which the individual in a covered position will be primarily serving or working *and* for the state in which the individual resides at the time of application; or

(ii) Submission of fingerprints through a state central record repository for a fingerprint-based Federal Bureau of Investigation (FBI) national criminal history background check.

(b) *Search procedure for individuals in covered positions who have recurring access to vulnerable populations.* (1) This rule applies to individuals who:

(i) Begin working for, or who start service with, you on or after April 21, 2011;

(ii) Will be 18 years old or older at any time during their term of service; and

(iii) Serve in a covered position that will involve recurring access to children age 17 years or younger, to individuals age 60 years or older, or to individuals with disabilities.

(2) Unless the Corporation approves an alternative search procedure or an exception under § 2540.207 of this chapter, to determine the eligibility of an individual described in paragraph (b)(1) of this section you must conduct and document a National Service Criminal History Check that consists of the following components:

(i) A nationwide name-based search of the Department of Justice (DOJ) National Sex Offender Public Web site (NSOPW);

(ii) A name- or fingerprint-based search of the official state criminal history registry for the state in which the individual in a covered position will be primarily serving or working *and* for the state in which the individual resides at the time of application; and

(iii) Submission of fingerprints through a state central record repository for a fingerprint-based FBI national criminal history background check.

■ 11. Revise § 2540.204 to read as follows:

**§ 2540.204 When must I conduct a National Service Criminal History Check on an individual in a covered position?**

(a) *Timing of the National Service Criminal History Check Components.* (1) You must conduct and review the results of the nationwide NSOPW check required under § 2540.203 before an individual in a covered position begins work or starts service.

(2) You must initiate state registry or FBI criminal history checks required under § 2540.203 before an individual in a covered position begins work or starts service. You may permit an individual in a covered position to begin work or start service pending the receipt of results from state registry or FBI criminal history checks as long as the individual is not permitted access to children age 17 years or younger, to individuals age 60 years or older, or to individuals with disabilities, without being in the physical presence of an appropriate individual, as described in § 2540.205(g) of this chapter.

(b) *Consecutive terms.* If an individual serves consecutive terms of service in a covered position and does not have a break in service that exceeds 120 days, then no additional National Service Criminal History Check is required, as long as the original check is a compliant check for the covered position in which the individual will be serving or working following the break in service. If your program or project is designed with breaks in service over 120 days, but less than 180 days between consecutive terms, you may request approval for a break in service of up to 180 days before a new National Service Criminal History Check is required. Your request must describe the overall program design, explain why the longer period is reasonable, and demonstrate that you have established adequate risk management controls for the extended break in service.

■ 12. Revise § 2540.205 to read as follows:

**§ 2540.205 What procedures must I follow in conducting a National Service Criminal History Check for a covered position?**

You are responsible for following these procedures:

(a) Verify the individual's identity by examining the individual's government-issued photo identification card, such as a driver's license;

(b) Obtain prior, written authorization from the individual for the State registry check, for the FBI criminal history check, and for the appropriate sharing of the results of the checks within the program. Prior written authorization from the individual is not required to conduct the nationwide NSOPW check;

(c) Document the individual's understanding that selection into the program is contingent upon the organization's review of the individual's National Service Criminal History Check component results, if any;

(d) Ensure that screening practices comply with federal civil rights laws, including Titles VI and VII of the Civil Rights Act of 1964 (and the Corporation's implementing regulations under Title VI);

(e) Provide a reasonable opportunity for the individual to review and challenge the factual accuracy of a result before action is taken to exclude the individual from the position;

(f) Provide safeguards to ensure the confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant; and

(g) Ensure that an individual, for whom the results of a required state or FBI criminal history registry check are pending, is not permitted to have access to children age 17 years or younger, to individuals age 60 years or older, or to individuals with disabilities without being in the physical presence of:

(1) Your authorized representative who has previously been cleared for such access;

(2) A family member or legal guardian of the vulnerable individual; or

(3) An individual authorized, because of his or her profession, to have recurring access to the vulnerable individual, such as an education or medical professional.

(h) Unless specifically approved by the Corporation, you may not charge an individual for the cost of any component of a National Service Criminal History Check.

■ 13. Revise § 2540.206 to read as follows:

**§ 2540.206 What documentation must I maintain regarding a National Service Criminal History Check for a covered position?**

You must:

(a) Document in writing that you verified the identity of the individual in a covered position by examining the individual's government-issued photo identification card, and that you conducted the required checks for the covered position; and

(b) Maintain the results, or a results summary issued by a State or Federal government body, of the NSOPW check and the other components of each National Service Criminal History Check, unless precluded from doing so by State or Federal law or regulation. You must also document in writing that an authorized grantee representative considered the results of the National Service Criminal History Check in selecting the individual.

■ 14. Revise § 2540.207 to read as follows:

**§ 2540.207 When may I follow an alternative search procedure or be excepted from a requirement in conducting a National Service Criminal History Check for a covered position?**

(a) *Alternative search procedure.* (1) If you submit a written request to the Corporation's Office of Grants Management, the Corporation will consider approving an alternative search procedure:

(i) If you demonstrate that you are prohibited or otherwise precluded under state law from complying with a Corporation requirement relating to the National Service Criminal History Check, or

(ii) If you can obtain substantially equivalent or better information through an alternative search procedure.

(2) The Office of Grants Management will review the alternative search procedure to ensure that it:

(i) Verifies the identity of the individual; and

(ii) Includes a search of an alternative criminal database that is sufficient to identify the existence or absence of criminal offenses.

(b) *Exceptions to Criminal History Check requirements for individuals with recurring access to vulnerable populations.* (1) *Exception that does not require prior Corporation approval—*

*Episodic Access.* (i) For the purposes of this section, an individual's access to a vulnerable population is considered to be episodic in nature if the service is not a regular, scheduled, and anticipated component of the individual's position description.

(ii) You are not required to conduct the fingerprint-based FBI criminal history check on individuals in covered positions with recurring access to vulnerable populations, as described in § 2540.203 of this chapter, when the

individual's access to a vulnerable population is episodic in nature or for a 1-day period.

(iii) No prior approval is required from the Corporation for you to apply this exception. You must make and document a determination that the individual's access to vulnerable populations is episodic, as defined by paragraphs (b)(1)(i) and (ii) of this section.

(2) *Exceptions that require prior approval of the Corporation.* You are not required to conduct the fingerprint-based FBI criminal history check on individuals in covered positions with recurring access to vulnerable populations, as described in § 2540.203 of this chapter, if you demonstrate and the Corporation determines in writing that:

(i) Complying with § 2540.203(b)(2)(iii) of this chapter is cost-prohibitive;

(ii) You are not authorized, or are otherwise unable, under state or federal law, to access the national criminal history background check system of the FBI; or

(iii) That you are exempt from the requirement in § 2540.203(b)(2)(iii) of this chapter for good cause.

**PART 2551—SENIOR COMPANION PROGRAM**

■ 15. The authority citation for part 2551 continues to read as follows:

**Authority:** 42 U.S.C. 4950 *et seq.*; 42 U.S.C. 12651b–12651d; E.O. 13331, 69 FR 9911.

■ 16. Amend § 2551.23 by adding paragraph (l) to read as follows:

**§ 2551.23 What are the sponsor's program responsibilities?**

\* \* \* \* \*

(l) Conduct criminal history checks on all Senior Companions and Senior Companion grant-funded employees who start service, or begin work, in your program after November 23, 2007, in accordance with the National Service Criminal History Check requirements in 45 CFR 2540.200 through 2540.207.

**§§ 2551.26 through 2551.32 [Removed and Reserved].**

■ 17. Remove and reserve §§ 2551.26 through 2551.32.

**PART 2552—FOSTER GRANDPARENT PROGRAM**

■ 18. The authority citation for Part 2552 continues to read as follows:

**Authority:** 42 U.S.C. 4950 *et seq.*, 42 U.S.C. 12651b–12651d; E.O. 13331, 69 FR 9911

■ 19. Amend § 2552.23 by adding paragraph (l) to read as follows:

**§ 2552.23 What are a sponsor's program responsibilities?**

\* \* \* \* \*

(l) Conduct criminal history checks on all Foster Grandparents and Foster Grandparent grant-funded employees who start service, or begin work, in your program after November 23, 2007, in accordance with the National Service Criminal History Check requirements in 45 CFR 2540.200 through 2540.207.

**§§ 2552.26 through 2552.32 [Removed and Reserved]**

■ 20. Remove and reserve §§ 2552.26 through 2552.32.

Dated: September 28, 2012.

**Valerie Green,**  
General Counsel.

[FR Doc. 2012-24467 Filed 10-4-12; 8:45 am]

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 0**

[CG Docket No. 12-39; DA 12-1545]

**Termination of Certain Proceedings as Dormant**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; termination of proceedings.

**SUMMARY:** In this document, the Commission, via the Consumer and Governmental Affairs Bureau (CGB) terminates, as dormant, certain docketed Commission proceedings. Termination of these inactive proceedings furthers the Commission's organizational goals of increasing the efficiency of its decision-making, modernizing the agency's processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public.

**DATES:** Effective October 5, 2012.

**ADDRESSES:** Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Deborah Broderson, Consumer and Governmental Affairs Bureau at (202) 418-0652, or email: [Deborah.Broderson@fcc.gov](mailto:Deborah.Broderson@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order, *Termination of Certain Proceedings as Dormant*, document DA 12-1545,

adopted September 27, 2012 and released on September 27, 2012, in CG Docket No. 12-39. On June 3, 2011, the Commission sought comment on whether certain listed docketed Commission proceedings should be terminated as dormant. See 76 FR 35892, June 20, 2011. On September 30, 2011, in a subsequent action, the Commission terminated, as dormant, certain docketed Commission proceedings. See 76 FR 70902, November 16, 2011. On February 15, 2012, the Commission sought comment on whether additional docketed Commission proceedings should be terminated as dormant. See 77 FR 13322, March 6, 2012. The full text of document DA 12-1545 and copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. Document DA 12-1545 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor, Best Copying and Printing, Inc. (BCPI), at Portals II, 445 12th Street SW., Room CY-B402, Washington, DC 20554. Customers may contact BCPI at its Web site, [www.bcpweb.com](http://www.bcpweb.com), or by calling (202) 488-5300. Document DA 12-1545 can also be downloaded in Word or Portable Document Format (PDF) at: [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-1545A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1545A1.doc), or [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-1545A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-1545A1.pdf).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

**Final Paperwork Reduction Act of 1995 Analysis**

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

**Synopsis**

1. On February 4, 2011, the Commission released *Amendment of Certain of the Commission's Part 1*

*Rules of Practice and Procedure and Part 0 Rules of Commission Organization, Report and Order*, FCC 11-16, in CG Docket No. 11-44, published at 76 FR 24383, May 2, 2011 (Procedure Order), which revised portions of its Part 1—Practice and Procedures and Part 0—Organizational rules. The amendment of § 0.141 of the Commission's organizational rules delegated authority to the Chief, CGB to conduct periodic review of all open dockets with the objective of terminating those that were inactive. The Commission stated that termination of such proceedings also will include the dismissal as moot of any pending petition, motion, or other request for relief in the terminated proceeding that is procedural in nature or otherwise does not address the merits of the proceeding. On February 15, 2012, the Commission released *Termination of Certain Proceedings as Dormant*, Public Notice, DA 12-220, CG Docket No. 12-39, published at 77 FR 13322, March 6, 2011 (*Termination Public Notice*), which identified those dockets that could potentially be terminated and provided interested parties the opportunity to file comments on these proposed terminations. Based upon CGB's review of the two comments received in response to the *Termination Public Notice*, and for the reasons given below, CGB hereby terminates the proceedings that are listed in the Attachment to DA 12-1545, which were previously listed in DA 12-220. See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-12-220A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-220A1.doc).

2. CGB received two comments requesting that particular proceedings noted in the *Termination Public Notice* remain open. Based upon CGB's review of these comments, for the reasons noted below, CGB rejects the request of the New Jersey Broadcasters Association (NJBA) to retain RM-11099. Based on the request of the Office of Communication of the United Church of Christ, Inc., National Hispanic Media Coalition, Campaign Legal Center, Media Access Project, Benton Foundation, and Free Press (collectively, UCC), and our further evaluation, MB Docket No. 05-6 will remain open and will not be terminated at this time. On our own motion as described below, CGB has also determined not to terminate two additional proceedings listed in the *Termination Public Notice*.

3. NJBA asks that we maintain as active RM-11099, which had been initiated by the May 27, 2004 filing of NJBA's Petition entitled "In the Matter of the Commissions' Rules to Protect New Jersey Listeners from FM

# Using NSOPW and State Repositories for NSOPW, State and FBI Checks

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## NSOPW Guidance

The NSOPW is an Internet-based system operated by the U.S. Department of Justice. The system gathers data from all participating State-level sex offender registries plus those operated by Guam, Puerto Rico, the District of Columbia and Tribal Governments. This check can be obtained free of charge from <https://NSOPW.gov>.

### INSTRUCTIONS and GUIDANCE

1. Go to [www.NSOPW.gov](http://www.NSOPW.gov). The nationwide search must be conducted and it must be documented that an individual in a covered position is eligible to serve or work before starting work or service.
2. Examine the applicant's government issued photo identification.
3. Conduct the NSOPW search by using the first and last name shown on the person's government issued photo identification in the "National Sex Offender Quick Search" feature on <https://NSOPW.gov>. You are only required to check a person's current legal name, as shown on their government issued photo identification.
  - a. Follow the instructions on the NSOPW.gov website. The NSOPW search asks for the first and last name only and only has spaces for the first and last name. Enter the first and last name as shown on the person's government identification.
    - i. Entering a middle name or initial can often limit results or has the potential to change the results and should not be used in the same search. Adding information beyond the first and last name on a government issued photo identification may result in a noncompliant check for which you may face financial consequences.
  - b. Multiple searches for different names (e.g., middle or maiden names) may be conducted but must be conducted in separate searches. It is prudent to check any other names that the person has used or is/was known by.
  - c. **Do not** use the Advanced Search feature, which limits the geographic scope of the search and will result in a noncompliant check for which you will face financial consequences.
4. Review the NSOPW results.
  - a. If the individual is a convicted sex offender, the individual is ineligible to work/serve in a covered position.
    - i. If the results indicate person listed on the NSOPW who has the same name as an applicant you must conduct a more in-depth inquiry to determine whether the person who appears on the NSOPW is your applicant or someone with the same name. The statewide or FBI criminal history search will also provide helpful information to help you determine if the candidate is the person on the registry.
    - ii. If the individual is ineligible to serve or unsuitable to serve according to organization-specific screening criteria and is denied an opportunity to serve, you must provide a reasonable opportunity for the individual to review and challenge the factual accuracy

of a result before action is taken to exclude the individual from the position. This process must be documented.

- b. The result will indicate whether or not any state systems were inoperable during that search. If any state systems were inoperable, the check is not complete, and you must:
  - i. re-check the NSOPW before the person starts service to rule out the possibility that the applicant is registered in the state(s) system(s) that was not connected to the NSOPW system when you performed the first check or
  - ii. supplement the first NSOPW check by checking the state registry/ies that are out of service.
5. Document the adjudication, even if there are no hits. The regulations (45 CFR 2540.204) require you to document that the results were considered when selecting the individual.
6. Retain your date-stamped result and adjudication to demonstrate that results were considered.
  - a. You must retain a record of the NSOPW search and associated results either by printing the screen(s) or by some other method that retains paper or digital images of the results, including the date when the search was performed.
  - b. It is a best practice to print out a screen shot of the NSOPW results.

## State Check Guidance

For grant and sub grant recipients (recipients) who do not use CNCS approved contractor, Truescreen, to obtain State Checks, CNCS has identified the state criminal history record repository and alternatives to the state criminal history record repository in each state and most territories. While many states have more than one source of criminal history information, using any source other than those designated by CNCS is not compliant with the requirements.

CNCS recipients must conduct state checks for states of service/work and residence at time of application. For more information on State of Residence, refer to the Factsheet: State of Residence:

<https://www.nationalservice.gov/CHCFAQs>.

- The process and results of a state repository criminal history check will vary by state. It is the responsibility of the grant recipient to abide by state processes and laws. Each state will have a specific process to obtain a criminal history check. CNCS will accept name or fingerprint based state criminal history checks.
  - Fingerprint-based searches use biometric data (unique fingerprints) and are the most reliable method of obtaining criminal history records.
  - Name-based record checks use biographic information (name, date of birth, gender, and social security numbers). Name-based checks can result in false positives (records that are falsely attributed to the person) or false negatives (records belonging to the person are not identified), and it consumes staff time to verify.
  - Some state repositories will provide different types of check options, beyond fingerprint or name-based. **Do not** select checks that are limited by time, criminal sentence (ex: only felonies reported, past 7 years), etc. The state check must include all included data that dates as far back as the approved sources provide criminal history information.
- After obtaining the state check, the grant recipient must review and adjudicate all results. The adjudication must be documented.
  - Please note that some states will release a “rap sheet” listing all arrests and offenses, while others may provide a summary record reflecting cleared/not cleared based on screening criteria specific to that state. Consequently, you must understand the screening criteria used by the agency that conducts states check(s) to act on results appropriately. At a minimum, CNCS requires that this criteria include individuals convicted of murder and individuals required to register as sex offenders.
- Retain your date-stamped result and adjudication to demonstrate that results were considered even if there are no hits. The regulations require you to document that the results were considered when selecting the individual.

## Designated Statewide Criminal History Repositories and Alternatives

The table below presents a single official criminal history information repository for each state and territory.

These are the repositories which must be used to perform statewide searches for National Service Criminal History Checks. For some states, CNCS has approved the use of an alternative source. If an alternative source has been designated below, unless otherwise qualified, it may be used without further approval from CNCS. Questions on the use of this information should be sent to your CNCS Program Officer or Grants Officer.

New alternatives are indicated by the word “**NEW!**” and updated links or notes are indicated by the word “**UPDATED!**” Both new additions and updates are also **bolded and highlighted**, with the effective date of the change noted.

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
Alabama	The Alabama Law Enforcement Agency (ALEA) and the Alabama Background Check (ABC) (Updated July 22, 2016)	None at this time.
Alaska	Department of Public Safety	Alaska Court System CourtView System CourtView system searches must be either (a) singular name-based queries using the on-web portal above; or (b) name-based searches using bulk electronic data obtained from directly from the Alaska Court System on a quarterly updated basis. (UPDATED Link! November 22, 2017)  A fingerprint-based check by the <b>Montana</b> Department of Justice, the <b>Oregon</b> State Police, or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)  A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual in the Alaska repository. If you receive this notification, you must conduct a full Alaska state check using the designated repository to the left. (Added November 30, 2015)
American Samoa	Department of Public Safety	None at this time

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
Arizona	Arizona Department of Public Safety	<p><b>Approved for organizations <u>outside of Arizona</u> conducting <u>Arizona state of residence checks ONLY</u>:</b>  A combined check of the (1) Arizona Judiciary Public Access to Court Case (PACC) system and (2) the Pima County Superior Court Record Search (PCSCRS).</p> <p>All results received must be adjudicated to ensure the individual referenced is not the applicant and both search results must be retained as evidence of performing this check. <b>When using this alternative, annotate the results to indicate the date the check was run and the name of the individual checked, if they do not appear on the printout.</b>  (Updated July 22, 2016)</p>
Arkansas	Arkansas Crime Information Center	None at this time
California	California Department of Justice Criminal Justice Information Services Division	None at this time
Colorado	Department of Public Safety Crime Information Center Colorado Bureau of Investigation	A combined check of the (1) Colorado Judicial Branch (CJB) records and (2) Denver County Court records may be used. The CNCS has labeled this combined alternate search a "Colorado Combined Court Records Check (CCCRC)." Both search results must be retained as evidence of performing a CCCRC check.
Connecticut	Department of Public Safety Bureau of Identification	<p>You may use bulk data from the Connecticut Judicial Branch (CJB) Criminal/Motor Vehicle Case on individuals of any age, provided you subscribe for monthly updates. (Updated July 22, 2016)</p> <p>The State of Connecticut Judicial Branch Criminal / Motor Vehicle Search service's online system is approved <b>for individuals 27 years of age and younger only.</b></p>
Delaware	Department of Public Safety	None at this time
District of Columbia	Metropolitan Police Department Records Department	None at this time
Florida	Florida Department of Law Enforcement Criminal Justice Information Systems	None at this time
Georgia	Georgia Bureau of Investigation Georgia Crime Information Center	Note: The name-based Georgia Felon Search service is not acceptable since it only presents felony crime convictions. You must obtain the criminal history from the Georgia Crime Information Center's statewide full criminal history system.
Guam	Guam Judicial Center, Superior Court of Guam	None at this time
Hawaii	Department of the Attorney General Criminal Justice Data Center	None at this time

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
Idaho	Idaho State Police Bureau of Criminal Identification	<p>A fingerprint-based check by the <b>Montana</b> Department of Justice, the <b>Oregon</b> Department of Human Services or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p> <p>A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual checked in the Idaho repository. If you receive this notification, you must conduct a full Idaho state check using the designated repository to the left. (Added November 30, 2015)</p>
Illinois	Illinois State Police, Division of Administration	None at this time
Indiana	Indiana State Police, Records Division	None at this time
Iowa	Iowa Department of Public Safety Division of Criminal Investigation	None at this time
Kansas	Kansas Bureau of Investigation	None at this time
Kentucky	Kentucky State Police, Records Section	Kentucky Administrative Office of the Courts (AOC)
Louisiana	Office of State Police, Bureau of Criminal Investigation	None at this time
Maine	Maine State Police, State Bureau of Identification	None at this time
Maryland	Maryland Department of Public Safety & Correctional Services--Criminal Justice Information System-Central Repository	<p><b>Approved for organizations <u>outside of Maryland</u> conducting Maryland <u>state of residence</u> checks <u>ONLY</u>:</b> Maryland Judicial Case Search.</p> <p>You must review all results to ensure the individual referenced is not your applicant and retain the results of your search as evidence of performing this check.</p>
Massachusetts	Massachusetts Department of Criminal Justice Information Services	None at this time
Michigan	Michigan Department of State Police, Criminal Justice Information Center	None at this time
Minnesota	Department of Public Safety, Bureau of Criminal Apprehension (BCA)	You may use the Minnesota BCA's Computerized Criminal History for individuals 32 years of age or under. (Added July 22, 2016)
Mississippi	Department of Public Safety, Criminal Information Center	Organizations may use the Mississippi Department of Health's Criminal History Record Check Division, which utilizes the Department of Public Safety repository. (Added April 4, 2016)

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
Missouri	Missouri State Highway Patrol, Criminal Records and Identification Division	The Missouri Family Care Safety Registry (FCSR) operated by the Missouri Department of Health and Senior Services ( <a href="http://health.mo.gov/safety/fcsr/">http://health.mo.gov/safety/fcsr/</a> ) is an acceptable alternate source when the following condition has been met by the program using the FCSR: The program must ensure that individual being checked has been registered into the FCSR and received his/her notice from the FCSR that registration has been accepted.
Montana	Montana Department of Justice, Justice Information Services Division	<p>A fingerprint-based search by the <b>Oregon</b> Department of Human Services or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p> <p>A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual in the Montana repository. If you receive this notification, you must conduct a full Montana state check using the designated repository to the left. (Added November 30, 2015)</p>
Nebraska	Nebraska State Patrol, Investigation Services Division	As of March 2016, the Nebraska State Patrol has stopped offering fingerprint-based checks to organizations that do not receive an adjudication from an authorized entity. All organizations may still receive name-based checks. (Updated April 4, 2016)
Nevada	Nevada Department of Public Safety	<p>A fingerprint-based check by the <b>Montana</b> Department of Justice, the <b>Oregon</b> Department of Human Services or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p> <p>A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual in the Nevada repository. If you receive this notification, you must conduct a full Nevada state check using the designated repository to the left. (Added November 30, 2015)</p>
New Hampshire	New Hampshire State Police, Support Services Bureau	None at this time
New Jersey	New Jersey State Police, Records & Identification Section	None at this time
New Mexico	Department of Public Safety, Technical and Emergency Support Division	The New Mexico Department of Health Caregivers Criminal History Screening Program (CCHSP) Note: This service may not be available to all recipients.

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
New York	NY State Division of Criminal Justice Services, Office of Operations and Systems	<p><b>New York State Office of Court Administration (OCA).</b></p> <p><b>Go Pass:</b> Eligible recipients may rely on clearances issued by the Go Pass system, operated via a partnership between NYC Service and the NYC Department of Education, for New York State and FBI checks. This system documents fingerprint-based New York state-level criminal history information and nationwide FBI checks. Go Pass clearance is available for volunteers (not employees). Non-profits using Go Pass are not required to be based in New York City, but the individual being cleared must serve in one of the five New York City boroughs. To satisfy CNCS regulations on retaining check results, recipients must retain a dated printout of the Go Pass system query reflecting that an individual’s cleared status existed at the time the print-out was produced. (Updated April 4, 2016)</p> <p><b>PETS:</b> Eligible recipients may rely on clearances issued by the New York City Department of Education’s Personnel Eligibility Tracking System (PETS) for New York State and FBI checks. Recipients must retain a dated printout or screenshot reflecting the individual’s “Satisfactory” clearance and the individual’s Fingerprint / DOE Record details when offenses are identified. (Added April 4, 2016)</p>
North Carolina	North Carolina Bureau of Investigation Identification Section	North Carolina Administrative Office of the Courts (NCAOC)
North Dakota	Bureau of Criminal Investigation, Information	None at this time
Northern Mariana Islands	Department of Public Safety	The Clerk of Court of CNMI (Added November 30, 2015)
Ohio	Bureau of Criminal Investigation, Information Services Division	None at this time
Oklahoma	Bureau of Investigation, Information Services	None at this time

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
Oregon	<p>Oregon State Police Open Records Section (Name-Based)</p> <p>Oregon Department of Human Services Background Check Unit (Fingerprint-Based) (Updated April 4, 2016)</p>	<p>The DHS offers fingerprint-based checks to businesses or organizations that provide care or placement services for youth, elderly persons or dependent persons; license or certify others to provide these services; and are not governed by a state regulatory or licensing agency. Contact DHS using the link to the left to learn more. You <b>must</b> include “This position is subject to the Serve America Act” in the Description of Duties field in each request. (Updated April 4, 2016)</p> <p>A fingerprint-based check by the <b>Montana</b> Department of Justice or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p> <p>A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual in the Oregon repository. If you receive this notification, you must conduct a full Oregon state check using the designated repository to the left. (Added November 30, 2015)</p>
Pennsylvania	Pennsylvania State Police, Bureau of Records & Information Services	None at this time
Puerto Rico	Police of Puerto Rico, Certificate of Penal Record/Policia de Puerto Rico, Certificado de Antecedentes Penales (Updated May 27, 2015)	None at this time
Rhode Island	Department of the Attorney General, Bureau of Criminal Identification	None at this time
South Carolina	South Carolina Law Enforcement Division	None at this time
South Dakota	Office of the Attorney General, Division of Criminal Investigation	None at this time
Tennessee	Tennessee Bureau of Investigation	None at this time
Texas	Texas Department of Public Safety, Crime Records Services	None at this time

State	Corporation Designated Repository Agency	Alternative Statewide Source Approved By Corporation and Advisory Notes
Utah	Utah Department of Public Safety	<p>A fingerprint-based check by the <b>Montana</b> Department of Justice, the <b>Oregon</b> Department of Human Services or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p> <p>A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual in the Utah repository. If you receive this notification, you must conduct a full Utah state check using the designated repository to the left. (Added November 30, 2015)</p>
Vermont	Department of Public Safety, Crime Information Center	None at this time
Virgin Islands	VI Police Department, Records Bureau Records Management Officer	None at this time
Virginia	Virginia State Police, Bureau of Administration & Support Service	None at this time
Washington	Washington State Patrol, Criminal Records Division	<p>A fingerprint-based check by the <b>Montana</b> Department of Justice, the <b>Oregon</b> Department of Human Services or the <b>Wyoming</b> Division of Criminal Investigation. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p>
West Virginia	West Virginia State Police	None at this time
Wisconsin	Wisconsin Department of Justice, Crime Information Bureau	None at this time
Wyoming	Division of Criminal Investigation	<p>A fingerprint-based check by the <b>Montana</b> Department of Justice or the <b>Oregon</b> Department of Human Services. (See the relevant state listings in this document for web addresses.) (Added November 30, 2015)</p> <p>A fingerprint-based check by the <b>Washington</b> State Patrol will indicate only if there is a record of the individual in the Wyoming repository. If you receive this notification, you must conduct a full Wyoming state check using the designated repository to the left. (Added November 30, 2015)</p>

## FBI Guidance

An FBI check is a fingerprint-based search of the FBI's national criminal history database. It returns information from all states and territories in the United States, in contrast to state checks, which are geographically limited.

While an FBI check covers a broad geographical area, it relies on data reported by the states and territories. The information reported varies from jurisdiction to jurisdiction. Consequently, its coverage is broad, but not necessarily deep. Combining an FBI check with state checks in an individual's state of residence and state of service offers the best combination of breadth and depth to ensure a thorough search.

Recipients who do not use CNCS approved contractor, Fieldprint, may obtain FBI fingerprint checks from state repositories. Most state criminal history information repositories can provide FBI checks along with state checks.

In most cases, the FBI checks you receive will only indicate whether an individual has cleared or not cleared a check against a certain list of criteria, as the FBI generally does not permit the release of criminal history information to entities that are not authorized by law to receive it.

Consequently, you must understand the screening criteria used by the agency that conducts an FBI check to act on results appropriately. At a minimum, CNCS requires that this criteria include individuals convicted of murder and individuals required to register as sex offenders. Your state repository may allow you to add additional screening criteria. Some states may use their own processes for reviewing and screening applicants for certain types of positions. If you use a state repository, contact the repository if you are unsure of the criteria used.

Organizations that legally are authorized by law to receive criminal history information must adjudicate all the results. The adjudication must be documented. If the individual is convicted of murder, listed on a sex offender registry or required to be on a sex offender registry, the individual is ineligible to work/serve in a covered position.

Retain your date-stamped result and adjudication to demonstrate that results were considered even if there are no hits. The regulations require you to document that the results were considered when selecting the individual.

## Documentation and Compliance

Recipients must follow these steps to document the NSCHC Process for each individual file:

- document that they verified the individual's identity through government-issued photo identification (e.g. ID number, photocopies of ID, etc.)
- document that they obtained written consent from candidates to perform State and FBI checks (e.g. as part of service agreement)
- document the candidate's understanding that his or her position is contingent on eligibility determined by the results of the NSCHC (e.g. as part of service agreement)
- document whether the individual has recurring or episodic/no access to vulnerable populations
- document that they performed a nationwide NSOPW search before the candidate begins work or service
- document NSOPW check adjudication; document that NSOPW results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.)
- document that they initiated State(s) checks on time, no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), as applicable
- document that they initiated a fingerprint FBI check component on time no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), as applicable
- document that they provided accompaniment while checks were pending when the service or work involves vulnerable populations (children 17 and younger, adults age 60 and older, and individuals with disabilities)
  - Accompaniment is documented with time, date, name of person accompanying and the name of the individual accompanied prior to clearance of state checks and FBI check
- document state(s) check adjudication; document that the state(s) check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable
- document FBI check adjudication; document that the FBI check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable
- maintain NSOPW check results, while providing confidentiality
  - Compliant NSOPW check results must be complete (all states, territories and Indian Country must be reporting), dated, and the name searched must match the first and last name of the government issued photo identification.
- maintain state check(s) results, while providing confidentiality
  - Compliant state check(s) results must be dated, from the designated CNCS state repository or CNCS designated alternative and, if the check is a name based search, the name searched must match the first and last name of the government issued photo identification.
- maintain dated FBI check results, while providing confidentiality

In addition to documenting the steps to obtain compliant NSCHC for an individual in a covered position, you must create policies and procedures that govern and detail their procedures, such as the definition of initiation, adjudication procedures, additional screening criteria, etc.

## FAQs

### 1.0 National Sex Offender Public Website (NSOPW.gov)

1.1 If the FBI check captures crimes that are also identified on the sex offender registry and in state criminal history databases, why does CNCS require separate checks of the NSOPW and state criminal history information databases?

The Serve America Act specified the required NSCHC components for individuals in covered positions (42 USC 12645g). Each component pulls data from a different database, and no single database of criminal history information is complete. The NSOPW links public state, territorial, and tribal sex offender registries in one national search site.

1.2 When was the date stamp added to the NSOPW website?

The date stamp was added September 4, 2013. Please note that an on-time NSOPW check has always been a compliance requirement for the NSCHC, but the NSOPW website did not always contain a date stamp. Before it did, recipients were required to print or otherwise maintain the NSOPW results in a way that displayed the date and time.

1.3 My volunteers are starting today. Are their NSOPW checks compliant if the time stamp is before their hours are counted?

Yes, it is compliant. However, waiting until the day volunteers begin accruing hours to conduct the NSOPW check poses significant risks for your organization. For example, there is the potential for one or more state sex offender registries to be off-line for maintenance or not reporting for other reasons. These “downed sites” are not predictable, and you run the risk of not being able to complete a full search of the NSOPW system on time, and therefore being subject to financial consequences.

### 2.0 Statewide Criminal History

2.1 How far back do state repositories maintain data and how many years must I check?

You must obtain data as far back as the approved sources provide criminal history information.

2.2 I run a child abuse registry check on my volunteers since they work with children and it is fitting for our program design. Is this a compliant check for the purposes of the NSCHC?

Recipients should establish additional screening criteria that are appropriate for their program design and beneficiaries, in addition to the NSCHC baseline requirements. Child abuse registry checks are one example of checks that can be used to supplement the minimum NSCHC requirements but running this check alone is not sufficient to meet the NSCHC requirements.

2.3 We operate a nationwide program that places people in many states. Must we check each person against their state of residence in addition to every state in which we operate?

Nationwide programs do not need to check more than two statewide repositories for a candidate. You must check the statewide repository for the state where the applicant resided upon application and the statewide repository for the state where the person will be assigned to work or serve.

### 3.0 FBI

3.1 May I have CNCS's Originating Agency Identifier (ORI) number to give to my state repository?

CNCS does not have an ORI number. If recipients face any challenges obtaining NSCHC, use Fieldprint and Truescreen.

3.2 Are we allowed to negotiate with state and local law enforcement to obtain checks at reduced cost?

We have been informed that in some cases programs have been able to negotiate with state and local law enforcement to help them obtain checks at reduced cost, and recipients may initiate these discussions.

### 4.0 Documentation for NSCHC Requirements

4.1 The results we receive do not appear to be actual criminal history records but rather summaries and conclusions on the person's suitability. Should we ask the repository for the detailed record?

State repositories issue either "rap sheets" or summary, adjudicated results. Adjudicated results typically present a "cleared," "not cleared," "undetermined" or similar summary result. You should contact the repository to obtain a list of disqualifying offenses and explanations for what the responses mean. If someone does not clear, you must determine if the disqualifying offense was one that CNCS uses to determine eligibility, or if it is an offense that your program considers to be disqualifying. Except when the FBI releases the NSCHC result directly to the person who is being checked, the FBI checks that are released to our recipients by state repositories and other authorized governmental bodies (including Fieldprint) typically provide adjudicated summary results.

4.2 What if my state either doesn't allow my program to maintain the results of the criminal history checks or limits the amount of time that results can be maintained?

The regulations require you to retain the NSOPW and criminal history information results. A pre-approved ASP for recipients prohibited by state law from maintaining or sharing results is currently available but will expire on December 31, 2019. If state law prohibits or limits you in retaining this documentation, please follow the instructions in the Current Pre-approved ASPs to use CNCS approved vendor, Truescreen.

## Identifying State of Residence for State Check

**Requirement:** The regulations require us to search (by name or fingerprint) the State criminal registry for the State in which the program operates and the State in which the applicant resides at the time of application.

### **Guidance:**

The State where a candidate “resides” is

- the location the individual **identifies** as his/her **place of residence**,
- at the **moment in time** that he/she **applied** to serve or work.

There is no measure of how long the individual has resided at a location that a program is required to validate to establish the correct State of residence to check – even a single day as a resident would meet the test for where an individual has made a home.

### **College Students**

For the purpose of the Corporation’s requirements, an individual applying to serve or work who is enrolled as a full-time college student is deemed to be residing in the state where he/she lives for the purpose of attending the school without regards to whether or not that home is on- or off-campus, and whether or not that home is in the same state as the college is located.

The state to check does not change because a student is on semester or summer breaks or temporarily residing elsewhere. There is no test needed to measure duration of residence while attending school.

Programs may not opt to use any other basis for identifying the student’s state of residence, e.g., such as the student’s family home.

### **Foreign Residents**

For those living abroad, the individual’s last State of residence in the United States, as well as the State where the program operates, must be checked. If the individual never lived in the United States, then only the State where he or she will be serving is required to be checked. Programs are also strongly encouraged to perform additional checks, including making contact with appropriate sources in other countries whenever possible.

### **Documentation**

While the Corporation does not dictate specifics with regard to documentation for establishing state of residence, programs must ensure that the totality of information is accurate and logical. For example, when a government-issued ID address does not match the indicated state of residence address, programs should document why not. Programs should have clear, written policies and procedures establishing protocol for discerning state of residence for all covered individuals.

## National Service Criminal History Check (NSCHC) Documentation Checklist

1.	Name of individual in covered position		
2.	Recurring access to vulnerable populations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3.	Start Date		

#### 4. Verification of identity

Photocopy/scan of government-issued ID (driver's license or passport) attached

-----or-----

ID type:

ID number:

Expiration:

#### 5. Written Consent

Scanned or attached consent from candidate agreeing to undergo checks and confirming that the candidate understands selection is contingent upon the outcomes of the checks.

#### 6. National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov))

Date Completed: \_\_\_\_\_

- Screenshots or printout of results from National Sex Offender Public Website (NSOPW) that clear your candidate.
- If the NSOPW search returns any results, include documentation that shows that your candidate is not one of those listed.
- If any registries were not reporting at the time of your search, documentation that you either searched the nonreporting registry directly or conducted a second NSOPW search when the registry was present.

#### 7. Records Checked

##### (a) State Checks

<b>State of Service:</b>	Source:
Initiation Process:	
Date Initiated:	Date Completed:
<b>State of Residence:</b>	Source:
Initiation Process:	
Date Initiated:	Date Completed:

-----and/or-----

##### (b) FBI Checks

Date Initiated:	Date Completed:
Initiation Process:	

#### 8. Accompaniment

- Attach documentation of each instance of accompaniment during service or work with vulnerable populations when required. Record the date, time, location, and name of person who provided accompaniment.
- Ensure person who provided accompaniment has been cleared in their position.

#### 9. Alternative Search Procedures (ASP) or Exemptions

- This individual was cleared using an ASP or exemption. Briefly describe how the approved process differs from the standard required NSCHC process below. Include the ASP or exemption reference number. (For example, "ASP-2016-001".)

#### 10. Consideration of results

- I have reviewed and considered the results of these checks and certify that this individual is eligible for work or service.

\_\_\_\_\_  
Signature of Selecting Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title of Selecting Official

## Guidance and Supporting Documentation

Field by Field Guidance	Documentation
<p><b>1. Name of Individual:</b> Enter the name of the individual in a covered position. This name should match exactly what is on his/her government-issued identification.</p>	See "Verification of Identity Below."
<p><b>2. Recurring Access to Vulnerable Populations:</b> "Recurring" access is the ability on more than one occasion to approach, observe, or communicate with a person, through physical proximity or other means, including but not limited to, electronic or telephonic communication. Recurring access is typically a regular, scheduled, and anticipated component of a person's service activities. Essentially, if you know access is going to occur, it is recurring access, even if it is relatively infrequent.</p>	This should be documented in the individual's Position Description.
<p><b>3. Start Date:</b> This is the date an individual in a covered position will begin accumulating hours to be charged to a CNCS-funded grant. It may include orientations, trainings, or other activities that might be considered "pre-service" from a programmatic perspective.</p>	A sign-in log or transaction record of the first instance where an individual begins accumulating hours for a salary, stipend, living allowance or education award from a CNCS-funded program (including federal share and match).
<p><b>4. Verification of Identity</b></p>	<b>EITHER</b> a photocopy of a government-issued ID, with their name and ID number legible <b>OR</b> the key information noted on the Documentation Checklist (ID type, ID number and expiration). You should also verify that the name in (1) above is exactly as it appears on this ID.
<p><b>5. Written Consent</b></p>	A completed consent form including a signed statement from the candidate agreeing to undergo checks and that the candidate understands that selection is contingent on results.
<p><b>6. National Sex Offender Public Website</b></p>	<ol style="list-style-type: none"> <li>1. The full, dated results of a nationwide search using the name on the individual's government-issued ID.</li> <li>2. Verification that you have confirmed any results are not your candidate.</li> <li>3. Any additional results needed due to registries that were not reporting at the time of the search.</li> </ol>
<p><b>7. Records Checked</b> As of April 21, 2011, individuals with recurring access to vulnerable populations require both state checks and FBI checks. Those with episodic or no access to vulnerable populations require EITHER state checks OR an FBI check. For earlier requirements, see "Effective Dates" on the <a href="#">Knowledge Network</a>.</p> <p><i>7(a) State Checks</i> State checks consist of 1) a search of the official criminal history repository in the state in which an individual will serve ("state of service") and 2) a search of the official criminal history repository in the state in which someone physically resides at their time of his or her application to begin work or service on a CNCS-funded grant ("state of residence"). A list of official repositories and approved alternatives is available on the <a href="#">Knowledge Network</a>. You must choose a process that you will consider initiation and document that process in your policies and procedures. You must document that initiation has occurred no later than the first day of work or service.</p>	<p>For each state and FBI check:</p> <ul style="list-style-type: none"> <li>• Documentation of the initiation date of the checks.</li> <li>• Documentation of the source of the checks.</li> <li>• The results of each check and documentation that you considered the results (such as a notation directly on the results).</li> </ul> <p>For the state of residence check (if applicable):</p> <ul style="list-style-type: none"> <li>• Documentation of the state in which an individual physically resides at the time of application to begin work or service on a CNCS-funded program.</li> </ul>

<p><b>7(b) FBI Checks</b></p> <p>FBI Checks are fingerprint-based searches of the FBI’s national criminal history database. In most cases, organizations will receive these from their state repositories, the same bodies discussed in 7(a) above. If you cannot successfully obtain an FBI check from your state repository, you may use Fieldprint, a contractor secured for this purpose by CNCS. All other routes for obtaining FBI checks require an alternative search procedure. See “FBI Check” on the <a href="#">Knowledge Network</a> for more information. You must choose a process that you will consider initiation and document that process in your policies and procedures. You must document that initiation has occurred no later than the first day of work or service. See CNCS’s Guidance on State and FBI checks for more information on initiation, including examples.</p> <p><i>A Special Note on the Use of Vendors:</i></p> <p>Vendors may be able to help your organization obtain certain kinds of checks quickly and easily. However, many vendors are not able to comply with the NSCHC requirements fully, due to regulatory restrictions in certain states. As a result, you must thoroughly vet and document a vendor’s ability to comply with the NSCHC requirements and conduct any components that a vendor cannot conduct compliantly yourself.</p>	<p>If you use a vendor for any component of these checks:</p> <ul style="list-style-type: none"> <li>• Documentation of the compliance of those vendor checks. See “Vendor Guidance” on the <a href="#">Knowledge Network</a> for more information.</li> </ul>
<p><b>8. Accompaniment</b></p> <p>An individual whose state and FBI checks are pending cannot be in the presence of vulnerable populations without being in the physical presence of someone who has been cleared for such access. This could include both individuals cleared through the NSCHC process and others cleared by the nature of their employment. Accompaniment can cease when either an FBI check or the state checks (including both state of residence and state of service checks, when applicable) clear.</p>	<p>A log of the dates, times and person doing the accompaniment for each instance when an individual was in the presence of vulnerable populations before either an FBI check or the state checks clear.</p> <p>You may retain documentation of the qualifications of the person providing accompaniment elsewhere. For example, if one person or category of persons provides accompaniment to all volunteers, you may maintain this in one place for the whole program.</p>
<p><b>9. ASPs or Exemptions</b></p>	<p>Include a copy of the approval letter for any ASP or exemption applicable to this file. Follow all documentation requirements stated in the approval, including if you are using a pre-approved ASP.</p>
<p><b>10. Consideration of Results</b></p>	<p>Complete this section of the form at the end of the NSCHC process to certify that an individual is eligible for work or service.</p>

**Recommended File Structure:**

See above for more information on what documentation should be included for each component.

- A. NSCHC Documentation Checklist
- B. Documentation of Start Date
- C. Verification of Identity
- D. Documentation of Consent
- E. National Sex Offender Public Website Results, including the dates conducted, documentation that results were reviewed and the results of any additional searches conducted
- F. State of Service Check, including documentation of dates initiated, source, results, and consideration of results
- G. (If applicable) State of Residence Check, including documentation of dates initiated, source, results, and consideration of results
- H. (If applicable) FBI Check, including documentation of dates initiated, source, results, and consideration of results
- I. Accompaniment
- J. ASPs/Exemptions



**National Service Criminal History Check**  
**Guide to Enforcement Action**  
Effective July 1, 2019

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## I. PURPOSE

This guide to National Service Criminal History Check Enforcement Action (Guide) describes what constitutes National Service Criminal History Check (NSCHC) noncompliance, potential administrative consequences for noncompliance, and how and when to implement specific administrative corrective action or enforcement for NSCHC noncompliance.

This Guide applies solely to administrative enforcement related to NSCHC-noncompliance findings identified through oversight and monitoring, such as: Improper Payment Elimination and Recovery Improvement Act (IPERIA) sampling, Office of Inspector General audits, reviews or investigations, site visits, and desk reviews. The Guide does not change the legal requirements for the NSCHC, nor does it prevent CNCS or CNCS-OIG from pursuing other civil or criminal enforcement or preventive remedies available by law.

The Guide will be used by monitoring officials of the Corporation for National and Community Service (CNCS). The Guide uses the term “monitoring officials” to collectively refer to this group of CNCS individuals (excluding personnel of the Office of Inspector General) and the term “recipients” to refer to CNCS prime grant recipients and subrecipients, unless specifically differentiated. CNCS requires all prime grantees to implement this Guide for NSCHC disallowance.

CNCS will also refer and abide by this document in circumstances where grant recipients appeal determinations of NSCHC noncompliance.

## II. INELIGIBILITY

With respect to criminal histories, an **ineligible** individual (42 USC 12645g(c)) is anyone who (1) is registered or required to be registered on a sex offender registry; (2) has been convicted of murder (as defined in 18 U.S.C. § 1111); (3) refuses to consent to NSCHCs; or (4) makes a false statement in connection with his or her NSCHC.

Ineligible individuals are barred from working or serving in a covered position on a grant-funded program. All costs associated with an ineligible individual will be disallowed, even in instances where an ineligible individual was serving but the recipient documented accompaniment. Costs include any salary/stipend/living allowance (as applicable), FICA, and education award. These requirements apply whether the associated costs were paid with Federal funds or with matching funds.

If CNCS is made aware of an ineligible individual that the recipient failed to report, CNCS may place the grant’s funding on manual hold and/or take additional action.

CNCS employees will, without delay, notify the Office of Inspector General, the Office of the Chief Risk Officer, and the Office of the General Counsel of suspected instances of ineligibility arising from disqualifying criminal histories.

## III. NSCHC COMPLIANCE

NSCHC is a screening procedure established by law to protect the beneficiaries of national service. NSCHC involves three types of criminal history checks:

- Nationwide name-based check of the National Sex Offender Public Website (NSOPW). The NSOPW (<https://www.nsopw.gov/>) is a centralized system that identifies people who are registered as sex offenders in states, territories, and with many federally-recognized Tribes.
- Name- or fingerprint-based search of the statewide criminal history registry in the candidate’s state of residence and in the state where the person will serve or work.
- Fingerprint-based FBI check.

Individuals in covered positions **without** recurring access to vulnerable populations must undergo the following checks:

- A nationwide name-based check of the National Sex Offender Public Website (NSOPW), AND
- Either a name- or fingerprint-based search of the statewide criminal history registry in the candidate's state of residence and in the state where the person will serve or work; OR
- A fingerprint-based FBI check.

Individuals in covered positions **with** recurring access to vulnerable populations must undergo the following checks:

- A nationwide name-based check of the NSOPW,
- Either a name- or fingerprint-based search of the statewide criminal history registry in the candidate's state of residence and in the state where the person will serve or work; AND
- A fingerprint-based FBI check.

For more detailed information about the required elements of the checks referenced above, see <https://www.nationalservice.gov/resources/criminal-history-check>

A compliant NSCHC consists of the following elements:

- All required components (NSOPW, State(s), and/or FBI) were completed and on file (§2540.206);
- All required components (NSOPW, State(s), and/or FBI) were conducted on time (§2540.204);
- All required components (NSOPW, State(s), and/or FBI) were conducted through sources authorized by CNCS (§2540.203);
- NSOPW is complete (all States, Territories, and participating Indian Tribes were reporting when the search was performed) (§2540.203);
- First and Last Name on NSOPW check matches the name on the government-issued photo identification (NSCHC Using NSOPW and State Repository and NSCHC Using Fieldprint and Truescreen Manuals)
- NSOPW, State(s), FBI checks adjudicated (§2540.206);
- Documentation that the individual's identity was verified using a government-issued photo identification (§2540.206);
- Documentation of consent from the candidate to conduct State and FBI checks and share results (§2540.205);
- Documentation of the candidate's understanding that the national service position is contingent upon the organization's review of the individual's NSCHC component results, if any (§2540.205);
- Documentation that the candidate understands his or her ability to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position (§2540.205); and,
- Documented accompaniment for the duration of the accompaniment period<sup>1</sup>, as applicable (§2540.204).

#### IV. ADMINISTRATIVE REMEDIES AND ENFORCEMENT FOR NONCOMPLIANCE

Noncompliance refers to a situation in which an individual in a covered position is eligible to serve, but the recipient did not fully comply with all NSCHC requirements.

Remedies and enforcement actions will apply to the grant(s) on which noncompliance is identified. CNCS will disallow costs and may engage in other enforcement activities with respect to a prime recipient if the prime recipient or its subrecipients are found to be out of compliance with NSCHC requirements and the prime recipient has not correctly applied disallowance and/or has failed to identify and correct noncompliance prior to CNCS's monitoring of the prime recipient. If the noncompliant grant recipient has other CNCS grants, CNCS will expand

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<sup>1</sup> Accompaniment occurs during work or service while state check(s) or FBI check components are pending. A person is accompanied when an individual in a covered position is in the physical presence of a person who is cleared for access to a vulnerable population. Prior to January 1, 2020, accompaniment can cease when the state check(s) or FBI check results returned, and the individual is eligible and cleared to work or serve (Pre-Approved ASP Ceasing Accompaniment: <https://www.nationalservice.gov/ASPExemptionsGuidance>). As of January 1, 2020, accompaniment ceases when both the state check(s) and FBI check results are returned, and the individual is eligible and cleared to work or serve.

the NSCHC review as applicable. CNCS may also direct the prime grant recipient to expand the scope of the review.

The remedies and enforcement actions in this section apply solely to those taken administratively by CNCS. Nothing in this Guide is intended to limit any other available civil or criminal enforcement measures, which may be pursued in addition to the administrative remedies herein. The remedies and enforcement actions below may be applied singly or in combination, depending on the type of noncompliance found.

## COST-BASED DISALLOWANCE

Cost-based disallowance refers to the disallowance of costs associated with an eligible individual's work or service during the period of noncompliance, including salary/stipend/living allowances (as applicable) and FICA. Where costs were paid with matching funds, the disallowance of those matching costs may also result in disallowance of the related Federal funds.

Cost-based disallowance will be applied to noncompliance. In general, the cost of disallowance will not exceed six months; however, if the period of work or service is less than six months or the period of noncompliance is less than six months, the cost will be adjusted to coincide with the period of service, work, or period of noncompliance. Moreover, CNCS may disallow costs for more than six months, if facts and circumstances support that a different period of disallowance will further CNCS's compliance objectives.

Cost-based disallowance will not include the disallowance of AmeriCorps member hours. The actual expenditures that shall be considered for disallowance for each noncompliant file appear below. These cost categories reflect substantive grant costs. The maximum disallowance amount of the federal share cannot exceed the value of the federal awarded amount.

Cost Reimbursement Grants:

- Salary/stipend/living allowance (as applicable) and FICA during the period of noncompliance for which costs are disallowed.

Fixed Amount Grants:

- AmeriCorps State and National members: For each noncompliant member, a share of the cost/MSY proportional to the period of noncompliance for which costs are disallowed.
- Staff: For each noncompliant staff member, a share of the cost/MSY proportional to the period of noncompliance for which costs are disallowed. The maximum disallowance amount of the federal share cannot exceed the value of the federal awarded amount.

## MANUAL HOLD

In response to NSCHC noncompliance, specifically circumstances that require corrective action to be taken, CNCS may place grant funds on manual hold review or restriction of funds until the grant recipient demonstrates that it has satisfactorily implemented required corrective action, which may include conducting NSCHC using the CNCS-approved contract with Truescreen and Fieldprint. CNCS may use either of these remedies as it deems appropriate.

A manual hold may include a manual review of expenses prior to reimbursement or a full restriction of grant funds.

- 1) Manual Hold Review (2 CFR §200.338): This includes a review of expenses by CNCS staff prior to the release of funds. The inspection/review of reimbursement or advance requests submitted by a grant recipient is performed prior to the release of funds to the grantee to ensure that all fund requests are necessary, allowable, allocable, and reasonable with Uniform Guidance regulations and grant terms and conditions.

- 2) Restrictions of Funds (2 CFR §200.338): This action will prevent a grant recipient from accessing Federal funding from CNCS. For these cases, a letter to Health and Human Services Payment Management System will be processed and forwarded to HHS and the CNCS grant funds will be inaccessible to the recipient.

Manual hold review or restrictions of federal grant funds will be applied to the specific grant(s) on which NSCHC noncompliance is identified. For NSCHC noncompliance identified on a State Commission subrecipient, the Commission will be directed, to the extent possible, to apply the manual hold review or restriction of funds to the noncompliant subrecipient. NSCHC noncompliance detected in multiple State Commission subrecipients may result in a manual hold review or restriction of funds against the State Commission. For non-Commission direct grant recipients, including Social Innovation Fund grantees, manual hold review, or restriction of funds will be applied against the direct grant.

## OTHER ADMINISTRATIVE REMEDIES

CNCS will employ other administrative remedies as deemed appropriate. These other administrative remedies include:

<b>Remedy</b>	<b>Definition</b>	<b>Example</b>
Grant Suspension	A grant suspension includes a hold on all grant activities, including participant service, and funding (2 CFR §200.338).	Grant suspension may be used in response to NSCHC noncompliance. Grant suspension may also be applied in cases of noncompliance for zero-dollar grants.
Grant Termination	Grant termination refers to the ending of the award, in whole or in part, at any time prior to the planned end of period of performance (Grant and Cooperative Agreement Terms and Conditions, Section III.O; 2 CFR §200.339).	Grant termination may be used in response to NSCHC noncompliance. Grant termination may also be applied in cases of noncompliance for zero-dollar grants. Suspension may precede termination proceedings; not all suspensions will result in termination.
Required Use of CNCS-Approved Contract with Truescreen and Fieldprint	CNCS has contracted with Fieldprint, Inc., (Fieldprint) to provide FBI fingerprint-based checks and Truescreen to provide State and National Sex Offender Public Website (NSOPW) checks to recipients.	A grant recipient at which NSCHC noncompliance is found may be required to establish accounts through the CNCS contracts with Truescreen and Fieldprint and recheck noncompliant and other files through these vendors, if not already completed through the vendor. Recipients may also be required to use these vendors to conduct NSCHC for the remainder of the grant period (2 CFR §200.338, §200.207).
Impact Future Awards	Noncompliance with NSCHC may be considered as a factor in the agency's future funding determinations (2 CFR §200.205).	CNCS may consider NSCHC noncompliance part of its awarding considerations for future funding.

## GUIDE TO ENFORCEMENT ACTIONS AND REMEDIES

CNCS response to NSCHC noncompliance will conform to the chart below. CNCS reserves the right to impose enforcement actions and remedies at its discretion in accordance with applicable laws. In instances of egregious, pervasive, systemic noncompliance of any element, CNCS reserves the right to impose all available remedial measures.

As noted above, noncompliance with NSCHC may also be considered as a factor in the agency’s funding determinations and may impact an organization’s future grant awards.

In applicable cases, based on facts and circumstances, CNCS may suspend or terminate the grant in response to NSCHC noncompliance.

<b>Nature of Noncompliance</b>	<b>Enforcement Action and Remedy (as applicable)</b>
<p>Missing NSCHC component (NSOPW, State(s), and/or FBI);</p> <p>Name-based NSCHC conducted on a name other than the government-issued photo identification</p> <p>Noncompliant NSCHC source NSOPW incomplete (missing state, territory, or Indian country)</p> <p>Individuals requiring accompaniment were not accompanied as required</p>	<ul style="list-style-type: none"> <li>• Corrective action to cure deficiency and ascertain eligibility;</li> <li>• Cost-based disallowance;</li> <li>• Accompaniment until NSCHC delinquency cured;</li> <li>• Manual hold review or restriction of funds pending completion of corrective action;</li> <li>• Required use of CNCS-approved contract with Truescreen and Fieldprint (if not already used) for rechecks of all NSCHCs and for remainder of grant period. If vendors already used, rechecks required for noncompliance other than lateness.</li> </ul>
<p>Late NSCHC component (NSOPW, State(s), and/or FBI)</p> <p>Grant recipient did not review results and document the individual is cleared to serve (NSOPW, State(s), and/or FBI)</p>	<ul style="list-style-type: none"> <li>• Corrective action to cure deficiency and ascertain eligibility;</li> <li>• Cost-based disallowance;</li> <li>• Required use of CNCS-approved contract with Truescreen and Fieldprint (if not already used) for rechecks of all NSCHCs and for remainder of grant period. If vendors already used, rechecks required for noncompliance other than lateness.</li> </ul>
<p>Missing documentation of consent from the candidate to conduct State and FBI checks and share results</p> <p>Missing documentation of understanding from the candidate that the national service position is contingent upon the organization’s review of the individual’s NSCHC component results, if any</p> <p>Missing documentation that the candidate understands his or her ability to review and challenge the factual accuracy of the result before action is taken to exclude the candidate from the position</p>	<ul style="list-style-type: none"> <li>• Corrective action to cure deficiency;</li> <li>• Manual hold review or restriction of funds pending completion of corrective action;</li> <li>• Required use of CNCS-approved contract with Truescreen and Fieldprint (if not already used) for rechecks of all NSCHCs and for remainder of grant period. If vendors already used, rechecks required for noncompliance other than lateness.</li> </ul>

## V. IDENTIFICATION OF NONCOMPLIANCE AND DETERMINATION OF REMEDY

### IDENTIFICATION OF NONCOMPLIANCE

CNCS monitoring officials conducting NSCHC review will conduct a file review. For grant recipients with fewer than 25 individuals serving or working in covered positions, during the period of assessment monitored, CNCS monitoring officials conducting NSCHC review will conduct a file review consisting of 100% of these files. A period of assessment is the period of grant activity being reviewed for compliance, which is specified in advance by CNCS or other reviewers.

For grant recipients with more than 25 individuals serving or working in covered positions, CNCS monitoring officials conducting NSCHC review will conduct a review consisting of 25 files or 10% of the files for currently working or serving individuals in covered positions for the period of assessment monitored, whichever is greater. If the first sample of NSCHC files are compliant, the monitoring official may elect to conclude his or her NSCHC review. If noncompliance is detected within the review of files for those who worked or served during the period of the assessment, the remainder of files from the period being monitored must be reviewed. CNCS may direct the prime grant recipient, as applicable, to conduct the expanded scope review.

#### **Applicability of the 2014 Assessment Period and 2018-2019 Exemption Period**

For grantees who participated in the 2014 Assessment Period, correction of erroneous checks completed during this period will not incur cost disallowance for previous noncompliance. The application of this assessment period can be found at: <https://www.nationalservice.gov/CHCAssessmentPeriod>

Disallowance of costs and other enforcement for noncompliance is subject to the 2018-2019 Exemption Period. The application of this exemption can be found at <https://www.nationalservice.gov/documents/2018/2018-exemption-period>

### ALTERNATIVE SEARCH PROCEDURE PARTICIPATION

Until December 31, 2019, grant recipients may use existing approved and pre-approved Alternative Search Procedures (ASPs) to conduct NSCHC. However, where a recipient or subrecipient has not complied with the terms of its applicable ASP or the Exemption Period, the full range of remedies will apply to any NSCHC noncompliance.

Starting January 1, 2020, CNCS will post pre-approved ASPs that may be used by CNCS here: <https://www.nationalservice.gov/resources/criminal-history-check>. NSCHCs conducted in accordance with the terms of an approved ASP at the time an ASP is active will remain compliant after the expiration of the ASP. Checks conducted on January 1, 2020 and after that follow expired ASP/Exemption processes will be considered noncompliant.

# National Service Criminal History Check Alternative Search Procedure & Exemption Guidance

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## Background

The Corporation for National and Community Service (CNCS) requires that grantees and subgrantees (“grantees”) comply with the National Service Criminal History Check (NSCHC) requirements at [45 CFR §§2540.200-207](#). Grantees that follow all of these requirements need not request an alternative search procedure (ASP) or exemption. Grantees may apply to CNCS for approval to use an ASP or apply for an exemption to the FBI check. This document explains ASPs and FBI check exemptions, and how grantees may request an ASP or exemption from CNCS.

**NOTE:** No ASP or exemption requests will be approved for the [National Sex Offender Public Website \(NSOPW\)](#) component of the NSCHC. All grantees must conduct a nationwide NSOPW check for all covered positions, which include both grant-funded staff and participants.

## Alternative Search Procedures

If a grantee wishes to vary from any of the specific NSCHC requirements at 45 CFR §2540.203, it must submit a request for approval of its proposed alternative to CNCS in advance of varying from these procedures.

Programs can apply to CNCS for ASPs under the following circumstances:

- **Substantially Equivalent:** A grantee proposes alternative criminal history check procedures that are substantially equivalent to or better than the standard NSCHC requirements.
- **State Law Prohibition:** The grantee is prohibited by state law from complying with all of the standard NSCHC requirements.

Some common ASP requests received and approved by CNCS in the past include use of checks required as part of an earlier employment screening process, use of court system data when it is substantially equivalent to CNCS repositories, or alternative methods of storing the results when state law prohibits maintaining the checks themselves.

If CNCS approves an ASP, the approval will be explicit as to each procedure that is accepted or rejected, and grantees must perform the ASP as approved by CNCS to avoid cost disallowance. Once approved, an ASP remains valid even if the program operates under subsequent grants funding the exact same program, unless the approval letter includes an expiration date.

CNCS also has some pre-approved ASPs that grantees may use without additional approval from CNCS. Prior to January 4, 2016, CNCS referred to these as “blanket” ASPs. Current pre-approved ASPs are listed in a document titled “Pre-Approved ASPs” on the [Criminal History Check](#) page on the CNCS Knowledge Network. CNCS may add or remove pre-approved ASPs at any time. Though

further written approval is not necessary, CNCS strongly recommends that grantees discuss pre-approved ASPs with their Program Officers before using them.

## Exemptions

CNCS may exempt grantees from the requirement to conduct a fingerprint-based FBI check on individuals in covered positions with recurring access to vulnerable populations. CNCS may approve exemptions if the program can demonstrate—and CNCS approves in writing—that:

- The cost to the grantee obtaining an FBI check under 45 CFR §2540.203(b)(2)(iii) is prohibitive;
- The entity is not authorized, or is otherwise unable, under state or federal law, to obtain an FBI check; or
- There is sufficient justification for CNCS to exempt the grantee from the requirement to obtain an FBI check for good cause.

Exemptions expire at the time specified by CNCS in its decision letter. Exemption recipients should submit a new exemption request no later than 60 days prior to its expiration. This will allow CNCS to review and respond to the request before the exemption expires. **If an exemption expires and CNCS has not granted a new exemption, the grantee must comply with the NSCHC requirements for any individual who begins work or starts service after the expiration date to avoid disallowance.**

**NOTE:** By January 2016, CNCS anticipates having an FBI Channeler in place to provide FBI checks to grantees that are not successfully obtaining them through the state repositories. (See [this notice](#) for more information.) Once the Channeler begins offering service, **CNCS anticipates approving and renewing few, if any, requests for exemptions from the FBI check.**

## Submitting Requests for ASPs or Exemptions

An organization that receives its funding directly from CNCS is considered a “prime grantee.” Prime grantees submit requests directly to CNCS and on behalf of their subgrantees.

A “subgrantee” is an organization that receives CNCS funding from a prime grantee, rather than directly from CNCS. Subgrantees must submit requests to their prime grantee organization, who will then decide whether or not to forward it to CNCS for consideration. Subgrantee requests cannot be submitted directly to CNCS.

ASPs and exemptions are program-specific and not portable between different programs. Approvals for a national program are not portable to a similar program funded at the state level. Each request should identify the specific grant numbers of the programs that will be affected. One request may identify multiple grant numbers. CNCS’s response to an ASP or exemption request will explicitly identify which grant numbers are covered in the decision.

Instructions for prime grantees submitting ASP and exemption requests are available in forms posted on the [Criminal History Check page](#) on the CNCS Knowledge Network under the heading “Alternative Search Procedures and Exemptions.” Please complete and submit the materials described in these forms to [ASPRequests@cns.gov](mailto:ASPRequests@cns.gov) and copy your Program and Grants Officers. All

requests will receive an email confirming receipt, including a tracking number you can use in follow-up correspondence to help CNCS quickly identify your request. If you do not receive an email receipt from CNCS within 10 business days, please follow-up with [ASPRequests@cns.gov](mailto:ASPRequests@cns.gov) and your Program Officer to verify that CNCS has received your submission.

### For More Information

Please direct any questions on submitting ASP and exemption requests to your CNCS or prime grantee Program Officer.

# Pre-Approved Alternative Search Procedures (ASPs) as of August 21, 2019



## Please note:

- As of December 31, 2019, many pre-approved Alternative Search Procedures (ASPs) will expire and no longer be available for use. Checks conducted on January 1, 2020 and after that follow expired pre-approved ASPs will be considered noncompliant and may result in cost disallowance. Prior to December 31, 2019, grant recipients and subrecipients (grantees) should ensure that they have made appropriate policy and procedural updates so that their policies do not rely on expired ASPs/Exemptions.
- As of December 31, 2019, any existing, individual ASP/Exemption requests will expire and will no longer be available for use. Individual ASPs are specific ASPs requested by the grantee. Checks conducted on January 1, 2020 and after that follow expired ASP/Exemption requests will be considered noncompliant and may result in cost disallowance. Prior to December 31, 2019, grantees should ensure that they have made appropriate policy and procedural updates so that their policies do not rely on expired ASPs/Exemptions.
- As of November 15, 2018, the Corporation for National and Community Service (CNCS) will approve ASP/Exemption requests in limited circumstances.
- If grantees are unable to abide by CNCS National Service Criminal History Check (NSCHC) compliance requirements, grantees are encouraged to establish accounts with Truescreen (<https://applicationstation.truescreen.com> with the CNCS specific agreement code) and Fieldprint (<https://fieldprintcncs.com>).

## What Are Pre-Approved ASPs?

CNCS has approved a number of ASPs that grantees can use to comply with the NSCHC requirements without additional approval in writing from CNCS, termed “pre-approved ASPs.” Prior to January 4, 2016, these were known as “blanket ASPs.” Grantees are not required to request permission to use these pre-approved ASPs. They may use them at any time, provided they abide by the conditions described below. However, CNCS strongly encourages all grantees that intend to use a pre-approved ASP to first consult with their Program Officer to ensure that they understand its requirements. Noncompliance with the NSCHC regulations or with the requirements of a pre-approved ASP may result in cost disallowance

CNCS may add or remove pre-approved ASPs at any time. Maintaining awareness of current pre-approved ASPs is the responsibility of grantees. Once revoked, an organization may no longer use a pre-approved ASP for individuals that begin work or service after CNCS has revoked the pre-approved ASP. When a pre-approved ASP is revoked, the ASP does not apply to any individuals in covered who begin work or service after the expiration date of the pre-approved ASP.

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# Pre-Approved ASPs:

As of November 15, 2018, the following pre-approved ASPs are in effect:

## 1. Use of Truescreen for NSOPW and/or State Checks

EFFECTIVE FOR TRUESCREEN NSCHC CONDUCTED ON/AFTER SEPTEMBER 24, 2018:

In July 2018, CNCS contracted Truescreen to provide State and NSOPW checks to grantees for individuals in covered positions.

Grantees who use Truescreen must abide by the following:

1. Set up an account with Truescreen through <https://applicationstation.truescreen.com> with the CNCS specific agreement code.
2. Complete Truescreen checks for individuals in covered positions before the start of work or service. **A complete Truescreen check is defined as a check that is adjudicated by the grantee.** Individuals in covered positions may not begin work or service until the Truescreen checks are complete.
  - o For example:
    - If the grantee uses Truescreen for state check(s), the Truescreen state check(s) must be completed (adjudicated by grantee) before the individual starts work/service/hours.
    - If the grantee uses Truescreen for NSOPW checks, the Truescreen NSOPW check must be completed (adjudicated by grantee) before the individual starts work/service/hours.
    - If the grantee uses Truescreen for state *and* NSOPW checks, the Truescreen state and NSOPW checks must be completed (adjudicated by grantee) before the individual starts work/service/hours.

Use of Truescreen does not provide information for the following states and territories:

States	Territories
California	Guam
Delaware	Northern Mariana Islands
Louisiana	Puerto Rico
Nevada	
New Mexico	
Virginia	
Massachusetts (Updated on 12/20/18)	
Mississippi (Effective 6/1/2019)	

Between 11/15/18 to 8/12/19, Truescreen did not provide information for New Hampshire. As of 8/12/19, New Hampshire is accessible by Truescreen and was removed from this pre-approved ASP.

Between 11/15/18 to 8/21/19, Truescreen did not provide information for American Samoa and Virgin Islands. As of 8/21/19, American Samoa and Virgin Islands are accessible by Truescreen and was removed from this pre-approved ASP.

Grantees using Truescreen will not be required to get a check from an unavailable state/territory for individuals in a covered position if they have

- 1) obtained an NSOPW check from Truescreen,
- 2) obtained any required state checks that *are* available from Truescreen, and
- 3) conducted a fingerprint-based FBI check.

Please note:

This ASP does not apply to grantees obtaining NSCHC from Truescreen that have not established accounts with the CNCS specific agreement code. For grantees who do not obtain NSCHC from Truescreen through an account established with the CNCS specific agreement code, all state component checks are required (state of residence/service), regardless of whether an FBI check is obtained.

Refer to Exemption Period guidance for information regarding enforcement action for checks and rechecks conducted during the Exemption Period.

**Example 1: One state check is not available from Truescreen**

An individual in a covered position with recurring access to vulnerable populations will serve in California (state of service **is not** available from Truescreen) and is residing in Alabama at the time of application (state of residence **is** available from Truescreen). The grantee must conduct a Truescreen NSOPW check, a fingerprint-based FBI check, and a Truescreen Alabama state criminal history check. The grantee does not need California state criminal history check.

**Example 2: Both state checks are not available from Truescreen**

An individual in a covered position with recurring access to vulnerable populations will be serving in Virginia (state of service **is not** available from Truescreen) and is residing in Puerto Rico at the time of application (state/territory of residence **is not** available from Truescreen). The grantee must conduct a Truescreen NSOPW check and a fingerprint-based FBI check. No separate state and territory checks are required.

**Example 3: All state checks are available from Truescreen**

An individual in a covered position with recurring access to vulnerable populations will serve in Illinois (state of service **is** available from Truescreen) and is residing in Indiana at the time of application (state of residence **is** available from Truescreen). The grantee must conduct a Truescreen NSOPW check, a fingerprint-based FBI check, a Truescreen Illinois state criminal history check, and a Truescreen Indiana state criminal history check.

## 2. National Fingerprint File States

### EFFECTIVE FOR NSCHC CONDUCTED ON/AFTER SEPTEMBER 24, 2018:

The National Fingerprint File (NFF) is an electronic information sharing system maintained by the Federal Bureau of Investigation (FBI). The NFF allows the FBI and the States to exchange criminal history records for noncriminal justice purposes authorized by federal or state law, such as background checks for governmental licensing and employment.

States that participate in the NFF respond to record requests for all authorized noncriminal justice purposes and, as such, the FBI ceases to maintain duplicate criminal history data for these states. When a state participates in the NFF system, an FBI fingerprint check is duplicative of the search of a state’s criminal history record repository. An FBI fingerprint check eliminates the need for grantees to conduct duplicative state criminal history record checks in states that participate in the NFF system.

Therefore:

- If a required state check is from a state that **participates in the NFF**, then the grantee does not need to conduct the check in that NFF state if they have conducted a fingerprint-based FBI check.
- If a required state check is from a state that **does not participate in the NFF**, then this pre-approved ASP is not applicable and the grantee must obtain the appropriate NSCHC state check(s).

The following states participate in the NFF program:

Colorado	Florida	Georgia	Hawaii	Idaho
Iowa	Kansas	Maryland	Minnesota	Missouri
Montana	North Carolina	New Jersey	New York	Ohio

Oklahoma	Oregon	Tennessee	West Virginia	Wyoming
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**Example 1: One state participates in NFF**

An individual in a covered position with recurring access to vulnerable populations will serve in Maine (state of service **does not** participate in NFF) and resides in Colorado at time of application (state of residence **does** participate in the NFF). The grantee must conduct an NSOPW check, a fingerprint-based FBI check, and a Maine state criminal history check. The grantee does not need a separate state of residence criminal history check from Colorado. The Colorado criminal history record information is included in the fingerprint-based FBI check.

**Example 2: Both states participate in the NFF**

An individual in a covered position with recurring access to vulnerable populations will serve in Ohio (state of service **does** participate in NFF) and resides in Iowa at time of application (state of residence **does** participate in the NFF). The grantee must conduct an NSOPW check and a fingerprint-based FBI check. No separate state checks are required. Ohio and Iowa criminal history record information is already in the fingerprint-based FBI check.

**Example 3: No states participate in the NFF**

An individual in a covered position with recurring access to vulnerable populations will serve in Wisconsin (state of service **does not** participate in NFF) and resides in New Mexico at time of application (state of residence **does not** participate in the NFF). The grantee must conduct an NSOPW check, a fingerprint-based FBI check, a Wisconsin state criminal history check, and a New Mexico state criminal history check.

**Please note:**

- For individuals in covered positions with no access, or episodic access, to vulnerable populations, the required checks are either 1) the NSOPW check and a fingerprint-based FBI check or 2) an NSOPW check and criminal history record checks in the State of service and the State of residence, as stated in 45 CFR 2540.203(a).

**3. Disability Accommodation Exemption for FBI Fingerprint Checks**

**EFFECTIVE AS OF NOVEMBER 15, 2018:**

CNCS will exempt the fingerprint FBI check requirement for individuals in covered positions (who have recurring access to vulnerable populations) if conducting a fingerprint check is a physical impossibility as a result of disability, such as the absence of limbs. The grantee is still required to conduct NSOPW and name-based state check(s) on the individual.

If the individual has no/episodic access to vulnerable populations, the grantee must conduct a NSOPW check and name-based state checks of the state of service and state of residence.

The results of the NSOPW must be reviewed and documented prior to the person beginning work or starting service (before work, service, or training hours are charged to the grant, federal or match). The state check(s) must be initiated no later than the first day or the start of service or work. Grantees using Truescreen to conduct state checks should refer to the Truescreen ASP (Pre-Approved ASP 1) for information regarding the timing requirement for completion.

**4. Ceasing Accompaniment**

**EXPIRING DECEMBER 31, 2019**

This applies to all organizations with individuals in covered positions with recurring access to vulnerable populations.

These covered positions require grantees to conduct State checks *and* FBI checks on the individual(s) in covered positions.

A grantee may cease accompaniment of the individual when it has received results clearing the individual through either:

- BOTH of the State checks (State or residence AND State of service checks) OR

- The fingerprint-based FBI check.

An organization does not need to receive State *AND* FBI checks before ceasing accompaniment.

**Please note:** An individual may not start work or service in a covered position prior to completing a nationwide [National Sex Offender Public Website \(NSOPW\)](#) check. An individual is considered to have “started” work or service when he or she begins accumulating hours towards a salary, stipend, living allowance, or education award from a CNCS-funded grant, including trainings or pre-service orientations. CNCS strongly encourages the best practice of adjudicating checks prior to an individual working or serving in a covered position.

**\*Please note, as of December 31, 2019, this pre-approved ASP will expire and will no longer be available for use. Relying on an expired ASP will result in noncompliance and may result in cost disallowance.**

## 5. Maintaining Clearance Letters in Lieu of Actual NSCHC Results

### EXPIRING DECEMBER 31, 2019

If your organization partners with another organization that conducts some or all of the components (for example, a fingerprint-based FBI check through the state repository) of the NSCHC process on your employees and/or national service participants, but doesn’t permit your organization to review the results, then your organization can satisfy the documentation requirements of the NSCHC by entering into a written agreement with the organization conducting the checks.

The agreement must specify that any individual who is registered, or required to be registered, on a sex offender registry or was convicted of murder will not be cleared to participate in the program, even if the organization’s policy may, under some circumstances (e.g. through an appeal process), allow it.

The organization that conducts the required criminal history screening components can then issue clearances based on your selection criteria. Copies of the clearance decisions are grant records and your organization must maintain them with the individual’s other NSCHC documentation for compliance purposes. Your organization must ensure that your organization conducts any required check components that are not conducted by your partner, such as a search of the [NSOPW](#).

**\*Please note, as of December 31, 2019, this pre-approved ASP will expire and will no longer be available for use. Relying on an expired ASP will result in noncompliance and may result in cost disallowance.**

## 6. Unreadable Fingerprints Rejected during Departmental Order FBI Checks

### EXPIRING DECEMBER 31, 2019

If your organization has an ASP to obtain an FBI fingerprint-based check by going directly to the FBI through the “Departmental Orders” (DO) method, you may cease attempting to conduct a fingerprint-based check after two separate unsuccessful attempts due to unreadable fingerprints. You must maintain documentation of your attempts to obtain the check and the rejection letters from the FBI with the individual’s other NSCHC files as grant records. This pre-approved ASP applies only when an organization attempts to conduct fingerprint-based FBI checks through the DO method. When requesting fingerprint-based FBI checks through a state repository, follow the repository’s protocols for handling rejected fingerprints.

An individual that does not receive a fingerprint-based FBI check due to use of this pre-approved ASP must still undergo a compliant, nationwide [NSOPW check](#) and, as applicable, state of residence, and state of service checks.

**\*Please note, as of December 31, 2019, this pre-approved ASP will expire and will no longer be available for use. Relying on an expired ASP will result in noncompliance and may result in cost disallowance.**

## 7. Prohibited by State Law from Maintaining Results or Sharing Results

EXPIRING DECEMBER 31, 2019

If State law prohibits your organization from maintaining results of the state or FBI checks, or your organization is prohibited from sharing the results with an oversight agency, including CNCS, you must do the following to comply with the NSCHC requirements:

1. You must document that you are prohibited by State law from maintaining results and/or prohibited from sharing those results.
2. You must maintain a memo in the individual's file, in lieu of the results, which must indicate, at a minimum:
  - The source (for example, website URL, name, address, etc.) used for the check;
  - The date you initiated each check component;
  - The date you received results of each component;
  - Whether the person has been cleared or not for service based on the component results; and
  - The name and **signature** of the person who reviewed the results of each check component and the **date** on which they conducted the review.

This approval does not cover the NSOPW check. You must maintain the dated results of the nationwide [NSOPW](#) for each individual in a covered position.

**\*Please note, as of December 31, 2019, this pre-approved ASP will expire and will no longer be available for use.**

**Relying on an expired ASP will result in noncompliance and may result in cost disallowance.**

## Expired Pre-Approved ASPs

Departmental Order (DO) FBI checks

EXPIRED MARCH 31, 2016

If the state repository denied your organization's request to obtain or access FBI checks, your program may satisfy this requirement by obtaining FBI checks through the departmental orders (DO) process. See the FAQs on CNCS's Knowledge Network for guidance for the DO check. You must maintain a copy of the denial letter from the state repository as a grant record for compliance purposes.

This pre-approved ASP will expire on March 31, 2016, due to the anticipated start of services of CNCS's FBI Channeler. For more information, see CNCS' Fact Sheet on the FBI Channeler for more information.

# ASP Frequently Asked Questions

## **1. Are there reasons why I might seek an ASP approval?**

If you have a special circumstance that prevents you from complying with the NSCHC requirements, you may request approval of an ASP. With the availability of vendors Truescreen and Fieldprint, we expect that grant recipients will be able to comply with NSCHC requirements.

## **2. How do I submit an ASP or Exemption request to CNCS?**

CNCS maintains [instructions for requesting an ASP](#) on the Knowledge Network page of [nationalservice.gov](http://nationalservice.gov). Please complete and submit the form included in the guidance as part of your submission.

## **3. How long does an ASP approval last?**

All individual ASP/Exemption approvals and certain pre-approved ASPs will expire on December 31, 2019. Any ASP/Exemption Requests that are approved on November 15, 2018 or later will list an expiration date.

## **4. Can other programs use my ASP approval?**

No. ASPs are program-specific and not portable between different programs. ASPs that are approved for a national program are not portable to a similar program funded at the state level. If a circumstance develops where an ASP can apply to more than one program, our approval will be explicit in identifying where the ASP can be used. You may coordinate submission between a national program and state program. Any existing ASP/Exemption requests will expire on December 31, 2019.

## **5. Before the FBI check requirements went into effect on April 21, 2011, we obtained an ASP permitting us to rely upon checks performed by a partner site, and also a vendor's checks. Is that ASP still valid?**

Any existing ASP/Exemption approvals will expire on December 31, 2019. Checks conducted prior to Dec 31, 2019 that are compliant with an ASP/Exemption approvals will be considered compliant checks.

## **6. Does a VISTA project that once operated under a VISTA support and training grant and now operates under a VISTA program grant need a new ASP?**

Any existing ASP/Exemption approvals will expire on December 31, 2019.

## **7. A school is performing the checks for us. Is there anything else we need to do?**

Yes. The schools performing checks for you is covered by pre-approved ASP #5, which will expire on December 31, 2019. Until it expires, if schools are performing checks, you must determine how the school (whether private or public) and/or its state licensing authority, are performing background or criminal history checks. If the types of checks, timing, adjudication criteria, and other procedures being used meet CNCS requirements, then your only obligation is to make sure that both you and CNCS have access to the records for oversight and monitoring purposes. The school may issue a clearance letter to the program rather than providing the actual check results, until pre-approved ASP #5 expires.

## **8. My program works with a school that conducts some or all of the components of the NSCHC on its employees and volunteers (including national service participants), but doesn't permit outside parties to review the results of the criminal history check. How can we satisfy the documentation requirements if we are not permitted to review these results?**

This falls under our Current Pre-Approved ASPs on clearances issued by partners and possibly also state law prohibiting examination of results by a third party. Both pre-approved ASPs will expire on December 31, 2019. Grantees are encouraged to use CNCS contracted vendors, Fieldprint and Truescreen, to obtain NSCHC.

**9. CNCS requires NSCHC, and a site location also requires identical criminal history checks. Do applicants need to undergo the same process twice or more?**

Yes, applicants may need to undergo NSCHC and a site's criminal history check process. Applicants may need to undergo the same process more than once. Grantees can communicate this to applicants in advance of the screening process. NSCHC costs and costs for additional checks required by site locations or other partners are an allowable grant expense.

**10. Does pre-approved ASP #4 (National Fingerprint File States), require use of CNCS-contracted vendors Truescreen and/or Fieldprint?**

No, the use of the pre-approved ASP #4 does not require the use of CNCS-contracted vendors Truescreen and/or Fieldprint. However, use of Truescreen and/or Fieldprint is strongly encouraged.

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## Fieldprint and Truescreen

### Fieldprint

In September 2015, CNCS contracted Fieldprint, Inc., (Fieldprint) to provide FBI fingerprint-based checks (FBI checks) to grant and sub grant recipients (recipient(s)). Fieldprint is one of a limited number of contractors, called Channelers, approved by the FBI to offer expedited access to the FBI's national criminal history information. Service to CNCS recipients began in January 2016 and can be accessed here:

[www.fieldprintcnscs.com](http://www.fieldprintcnscs.com).

### Truescreen

In July 2018, CNCS approved Truescreen to provide state and National Sex Offender Public Website (NSOPW) checks to recipients. Truescreen is a vendor approved by CNCS to provide NSOPW and state criminal history checks; research source-level documentation when needed; make adjudication recommendations to recipients; facilitate compliance with the Fair Credit Reporting Act (FCRA), including pre-adverse and adverse action notices; provide time records of relevant compliance steps like adjudication; and maintain records. All CNCS recipients may use Truescreen. Service to CNCS recipients began in November 2018 and can be accessed here: <https://applicationstation.truescreen.com>, using the CNCS specific agreement code: CNCSAgreement.

### Using Fieldprint

Recipients may use Fieldprint to obtain fingerprint-based FBI checks on individuals in covered positions. Recipients must establish accounts through Fieldprint's CNCS specific webpage: [www.fieldprintcnscs.com](http://www.fieldprintcnscs.com). Fieldprint can provide FBI checks on individuals that have applied to work or serve in positions that receive an education award from CNCS or a CNCS grant-funded living allowance, stipend or salary.

An alternative search procedure (ASP) is not required to use Fieldprint.

**Please note:** Recipients **may not** use Fieldprint to conduct FBI checks on individuals that are not in covered positions, as such checks are not authorized by law.

Visit [Fieldprint's CNCS-specific webpage](#) and click on "Set Up an Account" to begin the process. Fieldprint will also offer customer service for its web portal via a toll-free helpdesk that is available from 8 a.m. to 10 p.m. ET, Monday through Friday, at 877-614-4364 or [customerservice@fieldprint.com](mailto:customerservice@fieldprint.com).

### Fieldprint Quick Facts:

- **Create an account, learn about the process and read FAQs here:** [www.fieldprintcnscs.com](http://www.fieldprintcnscs.com)
- **Cost:** \$28.75
- **Fieldprint Customer Service:**  
Monday through Friday  
8 a.m. to 10 p.m. ET,  
Phone: 877-614-4364  
Email: [customerservice@fieldprint.com](mailto:customerservice@fieldprint.com).
- **Average Turnaround Time to obtain Adjudication Recommendation:** 48 hours or 2 business days

## Fieldprint Checks:

Fieldprint will provide a fingerprint FBI check with an adjudication recommendation for recipients. In addition, the Fieldprint process will capture the following information:

- Individual's consent to perform checks
- Individual's understanding that selection to serve/work is based on the NSCHC results
- Individual is informed that they have an opportunity to challenge the factual accuracy of a results before action is taken to exclude the individual from the position

## Fieldprint Process

Fieldprint provides an online process for recipients to get fingerprint FBI checks.

1. Go to [www.fieldprintCNCS.com](http://www.fieldprintCNCS.com) and click on "Set Up an Account." This process includes completing forms, setting up account permissions and signing off on agreements.
2. In one-to-two business days, you will receive an email with more information, including your Fieldprint Code and information on logging into your client portal, where you can review the status and results of all your checks.
3. When you receive this email, save your Fieldprint Code somewhere easily accessible. You will need to provide it to any individuals you direct to Fieldprint for an FBI check. Follow the instructions to create your password and log in to the client portal. If the DUNS number you provided was not on Fieldprint's list of approved organizations, you will be notified at this stage.
4. Provide your Fingerprint Code to the applicant. The applicant will set up an account, complete information, sign off on agreements and set up a Livescan fingerprint appointment
5. The applicant will be fingerprinted at their Livescan appointment and will receive an email notification when the check is complete.
6. You will also receive an email when an individual's check is complete. In most cases, this should not take more than three business days. Log in to your client portal to see the results of the check.
7. You can log into your client portal at any time to view the status of any individuals who have used your Fieldprint Code. Results will be available for you to print for three years from the date of the check. You may need to retain this information for longer than it is available in the client portal to comply with federal grant requirements. See 2 CFR 200.333 for more information on the retention of federal grant records.

## Creating a Fieldprint Account:

Be prepared and save time. Collect the following information before creating a Fieldprint account:

- Organization's legal name
- Organization address
- Organization phone number
- An estimate of the annual number of individuals you expect to check through this system. **This is an estimate only.** Provide your best estimate based on the information you have available at the time you sign up for an account. There are no negative repercussions for an incorrect estimate.
- DUNS number
- CNCS grant number
- Grant end date/performance period end date
- The name, title, address, phone number, and email of the person who will be the primary contact for your account.
- How you intend to pay for the checks. Fieldprint's system offers three payment options:
  - You can pay for the checks directly using a Mastercard, American Express, Discover, or Visa credit card.
    - Your credit card information, if you choose to pay for the checks directly.
  - You can have applicants pay for the checks when they schedule an appointment and reimburse them at a later date.
  - You can setup an invoicing system, if you expect to conduct more than 100 checks annually or, in some cases, if your organization is a state or local government entity.

Prepare your applicant, the individual who will work or serve in the covered position, for the process, as well. The applicant will need to provide the information to complete the Fieldprint process. The Fieldprint FAQ's ([https://www.fieldprintcnscs.com/SubPage\\_FullWidth.aspx?ChannelID=414](https://www.fieldprintcnscs.com/SubPage_FullWidth.aspx?ChannelID=414)) detail the information the applicant will need to provide or bring. Have the applicant review all FAQ's.

## Fieldprint Adjudication Recommendations

Neither CNCS nor Fieldprint can release specific criminal history information obtained from the FBI to recipients. Instead, Fieldprint reviews the specific criminal history information against a set of criteria to generate one of two recommendations: Cleared or Not Cleared.

**Cleared does not necessarily mean eligible. Similarly, Not Cleared does not necessarily mean ineligible.** Organizations must use both recommendations in combination with other information obtained through the other required NSCHC components to make an informed choice before selecting an individual for work or service.

### Cleared Recommendation

A Cleared recommendation means that an individual's FBI criminal history record information did not contain an indication that the individual may have been convicted of murder or be required to register as a sex offender. However, it does not necessarily mean an individual is eligible for work or service. No single source

of criminal history record information is comprehensive. You must, at a minimum, conduct all required steps in the NSCHC process before determining that someone is eligible for work or service.

### Not Cleared Recommendation

A Not Cleared recommendation indicates that the selecting organization needs more information before it can make a final determination as to the fitness of an applicant. It does not mean that an applicant is ineligible for work or service. Selecting organizations must provide applicants with a reasonable opportunity to review and challenge the factual accuracy of a result before taking any adverse action on the basis of a Not Cleared recommendation (45 CFR 2540.205(d)).

**Please note:** Individual applicants have the opportunity to challenge a Not Cleared recommendation. Steps an individual applicant to take to challenge a recommendation can be found here:

<http://www.nationalservice.gov/FBIGuidance>

### Selecting Organizations Steps When an Individual Challenges Results:

If an individual receives a Not Cleared recommendation and challenges those results, a selecting organization should take the following steps:

1. If an individual would like to challenge the results, the organization must provide at least 45 calendar days for an individual to challenge the factual accuracy of the results.
2. If an individual does not contact you to challenge the results, you may proceed with making your selection on the basis of the Not Cleared result and the results of your other screening mechanisms. You should not select someone who has received a Not Cleared recommendation for work or service unless they have satisfactorily challenged the results. If they do challenge the results, proceed to Step 3.
3. Work with applicants to discuss and document what may have caused them to receive a Not Cleared recommendation. The steps they will need to take will vary based on the specific reason they have obtained a Not Cleared recommendation, as described below. In most cases, they will need to obtain a new FBI check. You may choose to pay for this additional check (though you are not required to), and the cost of the additional check is an allowable grant cost. See the "For Applicants" section above for information on ways an applicant can obtain an FBI check, including their costs and turnaround times.
  - a. Applicants whose FBI criminal history record information contains erroneous information, including offenses that have been expunged, must demonstrate to your satisfaction that the record is erroneous. This may require them to present you with additional information, such as court documents, or to contact the agency that provided the erroneous information to correct the record. Instructions are available on the FBI's website at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>. If you intend to select an individual that has gone through this process, maintain (1) dated copies of the Not Cleared recommendation, (2) the evidence you used in making your eligibility determination, and (3) a contemporaneously dated memo to the file documenting your determination of the individual's eligibility.

- b. Applicants whose FBI criminal history record information contains a conviction for an offense that relates to sex offenses or neglect, cruelty, or endangerment that did not actually lead to a requirement to register as a sex offender must demonstrate to your satisfaction that they are not required to register as a sex offender. You may request any additional information necessary to verify their eligibility. If the individual was not required to register, selection is at your discretion. You may choose to disqualify an individual for a conviction, even if it did not render them ineligible. However, the process by which you will determine the kinds of offenses that would render someone ineligible must be documented in your policies and procedures and followed consistently, in accordance with all relevant federal and state laws and regulations. If you select an individual that has gone through this process, maintain (1) dated copies of the Not Cleared recommendation, (2) the evidence you used in making your eligibility determination, and (3) a contemporaneously dated memo to the file documenting your determination of the individual's eligibility.
  - c. Applicants whose FBI criminal history record information contains a charge for a potentially disqualifying offense that does not clearly indicate that the individual was not convicted must demonstrate to your satisfaction the final outcome of the case. You may request any additional information necessary to verify eligibility. If the individual was not convicted of murder and is not required to be registered as a sex offender, selection is at your discretion. If you select an individual that has gone through this process, maintain (1) dated copies of the Not Cleared recommendation, (2) the evidence you used in making your eligibility determination, and (3) a contemporaneously dated memo to the file documenting your determination of the individual's eligibility.
4. Whether an individual is fit to work or serve with a selecting organization is a matter of discretion for the selecting organization, even though an individual may otherwise be eligible. Selecting organizations have a right and a duty to exercise their discretion in a manner that promotes a safe and effective program, mindful of state and federal nondiscrimination laws. Any eligibility determination must be dated contemporaneously with the determination and must be maintained as a grant record.

## Fieldprint Documentation and Compliance

Recipients must follow these steps to document the NSCHC Process:

<b>Required Documentation and Compliance</b> The checked boxes indicate that this step is captured when using Fieldprint for FBI fingerprint checks.	<b>How Fieldprint can assist recipients with CNCS Documentation and Compliance requirements</b>
<input type="checkbox"/> document that they verified the individual's identity through government-issued photo identification (e.g. ID number, photocopies of ID, etc.)	
<input checked="" type="checkbox"/> document that they obtained written consent from candidates to perform checks (e.g. as part of service agreement)	Consent to conduct an FBI check is captured by Fieldprint and individual consent forms can be accessed in the recipient's Fieldprint account.
<input checked="" type="checkbox"/> document the candidate's understanding that his or her position is contingent on eligibility determined by the results of the NSCHC (e.g. as part of service agreement)	Understanding is captured by Fieldprint and individual consent forms can be accessed in the recipient's Fieldprint account.
<input type="checkbox"/> document whether the individual has recurring or episodic/no access to vulnerable populations	
<input type="checkbox"/> document that they performed a nationwide NSOPW search before the candidate begins work or service (see maintain check results below for additional requirements).	
<input type="checkbox"/> document NSOPW check adjudication; document that NSOPW results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.)	
<input type="checkbox"/> document that they initiated State(s) checks on time, no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), as applicable	
<input checked="" type="checkbox"/> document that they initiated a fingerprint FBI check component on time no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), as applicable	Recipients can use the Fieldprint email notifying the recipient of the applicant's fingerprint appointment. (Definitions and process of initiation should be defined in policies and procedures.)

<input type="checkbox"/> document that they provided accompaniment while checks were pending when the service or work involves vulnerable populations (children 17 and younger, adults age 60 and older, and individuals with disabilities), if applicable (Accompaniment is documented with time, date, name of person accompanying and the name of the individual accompanied prior to clearance of state checks and/or FBI check)	The average turnaround time to obtain results after the applicant is fingerprinted for a Fieldprint check is 48 hours.
<input type="checkbox"/> document state(s) check adjudication; document that the state(s) check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable	
<input checked="" type="checkbox"/> document FBI check adjudication; document that the FBI check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable	Recipients will receive a clearance recommendation from Fieldprint. Document the results were considered when selecting the individual.
<input type="checkbox"/> maintain NSOPW check results, while providing confidentiality (Compliant NSOPW check results must be complete (all states, territories and Indian Country must be reporting), dated, and the name searched must match the first and last name of the government issued photo identification.)	
<input type="checkbox"/> maintain state check(s) results, while providing confidentiality (Compliant state check(s) results must be dated, from the designated CNCS state repository or CNCS designated alternative and, if a name based search the name searched must match the first and last name of the government issued photo identification.)	
<input checked="" type="checkbox"/> maintain dated FBI check results, while providing confidentiality	Grantee should maintain Fieldprint results.

In addition to documenting the steps to obtain compliant NSCHC for an individual in a covered position, you must create policies and procedures that govern and detail their procedures, such as the definition of initiation, adjudication procedures, additional screening criteria, etc.

## Using Truescreen

All recipients may use Truescreen to obtain NSOPW and/or State checks on individuals in covered positions. Recipient must refer to abide by the Truescreen Pre-Approved ASP <https://www.nationalservice.gov/CHCFAQs>.

If recipients do not follow the Truescreen Pre-Approved ASP, the Truescreen check may be noncompliant and recipients may incur a financial consequence.

### Truescreen Quick Facts:

- **Sign up here:** <https://applicationstation.truescreen.com>
  - **Use agreement code:** CNCSAgreement
- **Order checks, access results, etc. here:** <https://mytruescreen.com>
- **Cost:** See <https://www.nationalservice.gov/resources/criminal-history-check/criminal-history-check-state-state> for price list for all states.
  - **NSOPW:** \$7.50
  - **State:** \$19.50 + State Pass-through Fees (if applicable)
- **Truescreen Customer Service:**  
Monday through Friday, 3 a.m. to 10 p.m. ET  
Customer Service:  
Phone: 888-291-1369 ext. 0  
Help Desk:  
Phone: 888-291-1369 ext. 2006  
Email: [help@truescreen.com](mailto:help@truescreen.com)  
**Average Turnaround Time to obtain Adjudication Recommendation:** 1-5 business days, see <https://www.nationalservice.gov/resources/criminal-history-check/criminal-history-check-state-state> for turnaround times for all states.

### Truescreen Checks

Recipients may obtain NSOPW State and/or NSOPW checks with an adjudication recommendation from Truescreen. In addition, the Truescreen process will capture the following information:

- A copy of the government issued photo ID
- Individual's consent to perform checks
- Individual's understanding that selection to serve/work is based on the NSCHC results
- Individual is informed of and given the ability to review challenge the factual accuracy of a result before action is taken to exclude the individual from the position, through Truescreen's Consumer Care Portal
- Anticipated start date
- State of residence at time of application
- States of service/employment
- Final recipient adjudication decision
- Timestamp documentation of Truescreen process steps

## Truescreen Process

Truescreen provides an easy and simple process for recipients to get state and NSOPW checks.

1. To create your account visit: <https://applicationstation.truescreen.com>
  - a. Select "Sign Up" to set up register an account, create login and password
  - b. When prompted please enter Agreement Code: **CNCSAgreement**
  - c. Once your credentials are established, go back to <https://applicationstation.truescreen.com> and "Log In" as a returning user.
  - d. When prompted please enter Agreement Code: **CNCSAgreement**
  
2. Sign back into ApplicationStation to complete the Agreement.

You will be in ApplicationStation website once to create your account. This process includes completing forms, setting up account permissions and signing off on agreements. You will also be required to submit a letterhead and a signature for Action Letter and fax in credit card information.

  - a. When creating your account please note that:
    - i. No edits within the agreement are allowed and each section must be completed in its entirety.
    - ii. When submitting information:
      1. For the Permanent Resident Date, you can implement any date.
      2. Regarding user access, you can simply put any option on the agreement. Everyone will be set up exactly the same regarding access. All reports will be viewable for all users within the grantee organization.
  - b. Action Letters refer to the pre- and post-adverse letters that will be sent to the individual if they are denied the opportunity to serve. These letters will include your organization letterhead and signature. Truescreen will facilitate this denial process for you through their Consumer Care process.
  - c. After you have completed the process, including submitting the billing and Action Letter information, it will take up to 5 business days to verify and create the account. Any delays in submitting the letter cover head and/or credit card information **will** result in delay in setting up your account.
  
3. After account set up, you will receive a series of four automated emails to set up your login and password for <https://mytruescreen.com>. This is for security purposes.
  
4. Truescreen will also reach out to you after your account is set up to introduce you to your account manager, provide information and offer training. **Please take the training!**
  
5. In <https://mytruescreen.com>, you will order state of service, state of residence and/or NSOPW checks. To order, you will provide the email of the applicant, the anticipated start date and whether the individual has access to vulnerable populations.

6. After a check is ordered, an email will be automatically sent to the individual applicant to create an account.
7. The applicant will create an account and complete identification forms and sign off on agreements and disclosures.
  - a. The applicant will be required to submit a digital signature by using their mouse or finger on a touchscreen.
  - b. The applicant will need to upload a scanned copy or picture of a government issued photo identification.
  - c. The applicant has the opportunity to disclose murder and/or registerable sex offenses. **If the applicant indicates that he or she has been convicted of these crimes under an alias, the grantee will be charged for an additional check under the alias name.**
8. After the applicant application is complete, Truescreen will automatically run the checks and adjudicate any convictions according to CNCS eligibility criteria.
9. Truescreen will notify you when the check is completed.
- 10. You must review the results and enter a final adjudication decision into the Truescreen system.**
  - a. The check is not complete until you enter a final adjudication decision. Failure to adjudicate may result in a noncompliant check and you may incur a financial consequence.

### Creating a Truescreen Account

Be prepared and save time. Collect the following information before creating a Truescreen account:

- Company Name (Organization Legal Applicant Name)
- Company address
- Contact title, name, phone and email
- Billing contact name and contact information (if different)
- Contact info for additional check requesters (name, email, address, phone)
- CNCS Project Name
- CNCS grant numbers
- EIN number
- DUNS number
- Grant end date/performance period end date
- Indicate CNCS program (ex: AmeriCorps, Foster Grandparent, Senior Companion, RSVP, etc.)
  - For AmeriCorps State and National Direct subrecipients: Commission and/or National Direct name
  - For AmeriCorps VISTA recipients: CNCS State Office
- Organization letter head and logo (This will be used during the Consumer Care Process)
- Credit Card Information
  - Recipients must pay for the checks directly and via credit card. MasterCard, American Express, Discover, or Visa credit cards are accepted.

Prepare your applicant, the individual who will work or serve in the covered position, for the process, as well. The individual will need to provide the following information to complete the Truescreen process. Please note that the individual will also be required to enter a signature with a finger or mouse during this process.

- Legal first and last name
- Address and residence since date
- Social Security Number
- DOB
- Phone
- Email
- Indicate if you are: Member, volunteer or staff applicant
- Disclose convictions of murder and/or sex offenses that require registration
  - If convicted, the information regarding the conviction is required: Conviction geographic information (country, state, county, city/town), charge, charge type, name of court, charge date, case number, sentence, details, probation, name used during arrest
- Legible copy of a government issued photo identification. The copy must be uploaded. This can be a clear and legible picture or file that can be uploaded into the system.
  - Acceptable forms of government issued photo identification include:
    - state drivers' licenses
    - non-driver photo IDs issued by states' Departments of Motor Vehicles (including the IDNYC, an ID issued through a New York City program)
    - Federally-issued photo IDs, including official passports or a Native American Tribal ID from a federally-recognized tribal government.
    - Certificate of Naturalization
    - Certificate of Citizenship
    - Government employee photo ID (city, county, state, or federal)
    - U.S. military or military dependent photo ID
    - U.S. Permanent Resident Card/Alien Registration Receipt Card (Green Card)
    - Trusted Traveler IDs (including valid Global Entry, FAST, SENTRI, and NEXUS cards)
    - DOD Common Access Card
  - **Please note: If you applicant has a Maine government issued photo identification**, do not upload it. Instead the applicant will be directed to the CNCS Knowledge Network(<https://www.nationalservice.gov/documents/2018/nschc-using-fieldprint-and-truescreen>) to complete and upload the State of Maine Identification Form in the place of an identification.

## Truescreen Adjudication Recommendations

Truescreen will provide recipients with an adjudication recommendations (“Pass” and “Review”) and recipients will be notified when the check is complete. Truescreen will adjudicate convictions based off of CNCS eligibility criteria.

However, recipients will have access to individual applicant conviction data and can review the information and can accept or reject the individual according to their screening criteria.

Regardless of the Truescreen adjudication recommendation, the recipient **must** enter a final adjudication decision in their MyTruescreen account. If the recipient does not enter a final adjudication decision, the check is not complete and if the applicant beings service/work, **the check is noncompliant.**

If recipients reject an individual because of past criminal history or ineligibility, Truescreen will automatically enroll the individual in their Consumer Care process. Truescreen will walk the individual through a process to challenge the factual accuracy of a result. Recipients will be informed of the entire process. The Consumer Care process is detailed in your Truescreen agreement. Contact your Truescreen account manager for more information.

## Truescreen Documentation and Compliance

Recipients must follow these steps to document the NSCHC Process:

<b>Required Documentation and Compliance</b> The check symbol indicates that this step is captured when obtaining <b>both</b> Truescreen NSOPW and state check(s).	<b>How Truescreen can assist recipients with CNCS Documentation and Compliance requirements:</b>
<input checked="" type="checkbox"/> document that they verified the individual's identity through government-issued photo identification (e.g. ID number, photocopies of ID, etc.)	Applicants are required to upload a copy of a government issued photo identification. This can be accessed under the applicant's file in the recipient Truescreen account. *For applications who have a Maine government-issued photo ID will upload a signed statement instead.
<input checked="" type="checkbox"/> document that they obtained written consent from candidates to perform checks (e.g. as part of service agreement)	Consent to conduct a state and NSOPW check is captured by Truescreen and individual consent forms can be accessed in the recipient's Truescreen account.
<input checked="" type="checkbox"/> document the candidate's understanding that his or her position is contingent on eligibility determined by the results of the NSCHC (e.g. as part of service agreement)	Understanding is captured by Truescreen and individual consent forms can be accessed in the recipient's Truescreen account.
<input checked="" type="checkbox"/> document whether the individual has recurring or episodic/no access to vulnerable populations	Recipient will indicate access when ordering checks and this information is available on Monitoring Reports.
<input checked="" type="checkbox"/> document that they performed a nationwide NSOPW search before the candidate begins work or service (see maintain check results below for additional requirements).	Individuals in covered positions cannot begin work/service/hours until the NSOPW is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.
<input checked="" type="checkbox"/> document NSOPW check adjudication; document that NSOPW results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.)	Recipient must adjudicate Truescreen results. Individuals in covered positions cannot begin work/service/hours until the NSOPW is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.
<input checked="" type="checkbox"/> document that they initiated State(s) checks on time, no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), if applicable	Individuals in covered positions cannot begin work/service/hours until the state check is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.

<input type="checkbox"/> document that they initiated a fingerprint FBI check component on time, no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), as applicable	
<input type="checkbox"/> document that they provided accompaniment while checks were pending when the service or work involves vulnerable populations (children 17 and younger, adults age 60 and older, and individuals with disabilities), if applicable (Accompaniment is documented with time, date, name of person accompanying and the name of the individual accompanied prior to clearance of state checks and/or FBI check.)	Individuals in covered positions cannot begin work/service/hours until the state check is complete (check is conducted and the recipient has adjudicated the results). Accompaniment is not applicable.  (Please note that the "Ceasing Accompaniment" pre-approved ASP will be expiring on December 31, 2019.)
<input checked="" type="checkbox"/> document state(s) check adjudication; document that the state(s) check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable	Recipients must adjudicate Truescreen checks in the Truescreen system. Individuals in covered positions cannot begin work/service/hours until the state check is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.
<input type="checkbox"/> document FBI check adjudication; document that the FBI check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable	
<input checked="" type="checkbox"/> maintain NSOPW check results, while providing confidentiality. (Compliant NSOPW check results must be complete (all states, territories and Indian Country must be reporting), dated, and the name searched must match the first and last name of the government issued photo identification.)	Truescreen will maintain CNCS records for a minimum of seven years from date of inquiry.
<input checked="" type="checkbox"/> maintain state check(s) results, while providing confidentiality (Compliant state check(s) results must be dated, from the designated CNCS state repository or CNCS designated alternative and, if a name based search the name searched must match the first and last name of the government issued photo identification.)	Truescreen will maintain CNCS records for a minimum of seven years from date of inquiry.

<input type="checkbox"/> maintain dated FBI check results, while providing confidentiality	
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In addition to documenting the steps to obtain compliant NSCHC for an individual in a covered position, you must create policies and procedures that govern and detail their procedures, such as the definition of initiation, adjudication procedures, additional screening criteria, etc.

## Truescreen and Fieldprint Documentation and Compliance

Recipients must follow these steps to document the NSCHC Process:

<b>Required Documentation and Compliance</b> The checked box symbol indicates that this step is captured when using Fieldprint for FBI fingerprint checks <b>and</b> Truescreen for both NSOPW and state check(s).	<b>How Fieldprint and Truescreen can assist recipients with CNCS Documentation and Compliance requirements:</b>
<input checked="" type="checkbox"/> document that they verified the individual's identity through government-issued photo identification (e.g. ID number, photocopies of ID, etc.)	<b>Truescreen:</b> Applicants are required to upload a copy of a government issued photo identification. This can be accessed under the applicant's file in the recipient Truescreen account. For applications who have a Maine government-issued photo ID will upload a signed statement instead.
<input checked="" type="checkbox"/> document that they obtained written consent from candidates to perform checks (e.g. as part of service agreement)	<b>Truescreen:</b> Consent to conduct a state and NSOPW check is captured by Truescreen and individual consent forms can be accessed in the recipient's Truescreen account. <b>Fieldprint:</b> Consent to conduct an FBI check is captured by Fieldprint and individual consent forms can be accessed in the recipient's Fieldprint account.
<input checked="" type="checkbox"/> document the candidate's understanding that his or her position is contingent on eligibility determined by the results of the NSCHC (e.g. as part of service agreement)	<b>Truescreen:</b> Understanding is captured by Truescreen and individual consent forms can be accessed in the recipient's Truescreen account. <b>Fieldprint:</b> Understanding is captured by Fieldprint and individual consent forms can be accessed in the recipient's Fieldprint account.
<input checked="" type="checkbox"/> document whether the individual has recurring or episodic/no access to vulnerable populations	<b>Truescreen:</b> Recipient will indicate access when ordering checks and this information is available on Monitoring Reports.
<input checked="" type="checkbox"/> document that they performed a nationwide NSOPW search before the candidate begins work or service (see maintain check results below for additional requirements).	<b>Truescreen:</b> Individuals in covered positions cannot begin work/service/hours until the NSOPW is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.
<input checked="" type="checkbox"/> document NSOPW check adjudication; document that NSOPW results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.)	<b>Truescreen:</b> Recipient must adjudicate Truescreen results. Individuals in covered positions cannot begin work/service/hours until the NSOPW is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of

	the process.
<input checked="" type="checkbox"/> document state(s) check adjudication; document that the state(s) check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable (Accompaniment is documented with time, date, name of person accompanying and the name of the individual accompanied prior to clearance of state checks and/or FBI check.)	<b>Truescreen:</b> Individuals in covered positions cannot begin work/service/hours until the state check is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.
<input checked="" type="checkbox"/> document that they initiated a fingerprint FBI check component on time no later than the first day of the start of service or work. (e.g. mail receipts, fingerprinting, etc.), as applicable	<b>Fieldprint:</b> Recipients can use the Fieldprint email notifying the recipient of the applicant’s fingerprint appointment. (Definitions and process of initiation should be defined in policies and procedures)
<input checked="" type="checkbox"/> document that they provided accompaniment while checks were pending when the service or work involves vulnerable populations (children 17 and younger, adults age 60 and older, and individuals with disabilities), if applicable (Accompaniment is documented with time, date, name of person accompanying and the name of the individual accompanied prior to clearance of state checks and/or FBI check.)	<b>Truescreen:</b> Individuals in covered positions cannot begin work/service/hours until the state check is complete (check is conducted and the recipient has adjudicated the results). Accompaniment is not applicable. (Please note that the “Ceasing Accompaniment” pre-approved ASP will be expiring on December 31, 2019.) <b>Fieldprint:</b> The average turnaround time to obtain results after the applicant is fingerprinted for a Fieldprint check is 48 hours.
<input checked="" type="checkbox"/> document state(s) check adjudication; document that the state(s) check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable	<b>Truescreen:</b> Recipient must adjudicate Truescreen checks in the Truescreen system. Individuals in covered positions cannot begin work/service/hours until the state check is complete (check is conducted and the recipient has adjudicated the results). Truescreen will capture time stamps of the process.
<input checked="" type="checkbox"/> document FBI check adjudication; document that the FBI check results were reviewed and considered and the candidate was cleared to serve or work (e.g. sign and date document, create cleared memo, etc.), as applicable	<b>Fieldprint:</b> Recipients will receive a clearance recommendation from Fieldprint. Document the results were considered when selecting the individual.

<input checked="" type="checkbox"/> maintain NSOPW check results, while providing confidentiality. (Compliant NSOPW check results must be complete (all states, territories and Indian Country must be reporting), dated, and the name searched must match the first and last name of the government issued photo identification.	<b>Truescreen:</b> CNCS records will be maintained for a minimum of seven years from date of inquiry.
<input checked="" type="checkbox"/> maintain state check(s) results, while providing confidentiality (Compliant state check(s) results must be dated, from the designated CNCS state repository or CNCS designated alternative and, if a name based search the name searched must match the first and last name of the government issued photo identification.)	<b>Truescreen:</b> CNCS records will be maintained for a minimum of seven years from date of inquiry.
<input checked="" type="checkbox"/> maintain dated FBI check results, while providing confidentiality	Grantee should maintain Fieldprint results.

In addition to documenting the steps to obtain compliant NSCHC for an individual in a covered position, you must create policies and procedures that govern and detail their procedures, such as the definition of initiation, adjudication procedures, additional screening criteria, etc.

## FAQs

### 1.0 Fieldprint

#### 1.1 What happened with the FBI Channeler Exemption that CNCS released on April 1, 2015?

In March 2015, the FBI limited recipients' ability to obtain FBI Departmental Order (DO) checks using a Channeler, which disrupted the operations of a number of recipients. In response, on April 1, 2015, CNCS issued a temporary exemption ONLY for recipients that relied on an FBI Channeler to obtain FBI DO checks and could not continue to do so. This temporary exemption was set to expire on December 31, 2015. CNCS extended this exemption until March 31, 2016, to allow recipients a smooth transition to Fieldprint's services. Recipients that relied on this exemption must now be prepared to obtain FBI checks, either using Fieldprint or by another means. CNCS strongly encouraged recipients to transition to Fieldprint well in advance of March 31, 2016, to avoid any unexpected challenges or disruption to their programs. When this exemption expired on March 31, 2016, recipients became responsible for conducting all required components of the criminal history checks on individuals in covered positions who begin work or service after March 31, 2016. Failure to conduct all the required components will result in cost disallowance.

#### 1.2 Who may use Fieldprint as a Channeler?

Recipients may use Fieldprint to obtain FBI checks on individuals in covered positions if the recipient cannot successfully receive this service from state repositories. This would include recipients that are operating in states where the criminal history repository does not offer FBI checks or cannot provide them in a timely manner, or will not adjudicate the results, or recipients that recruit individuals from many different states such that dealing with many different state agencies is infeasible. In other words, if you're one of the many recipients that can obtain timely FBI checks through your state repository — keep using it! If not, use Fieldprint.

#### 1.3 Who may receive an FBI check through Fieldprint?

Fieldprint can provide FBI checks on individuals that have applied to work or serve in positions that receive an education award from CNCS or a CNCS grant-funded living allowance, stipend or salary. As explained in the Code of Federal Regulations (45 CFR 2540.201), these positions, known as "covered positions," are required by law to undergo a National Service Criminal History Check. Use of the FBI's information in this way is only permissible when authorized by law.

#### 1.4 Who may not receive an FBI check through Fieldprint?

Recipients may not use Fieldprint to conduct FBI checks on individuals that are not in covered positions, as such checks are not authorized by law.

#### 1.5 What if applicants don't live near one of Fieldprint's local service providers?

In these situations, applicants would establish an account online with Fieldprint, and then receive information on other sites nearby that can capture fingerprints using paper cards. These are often law enforcement agencies. If the applicant selects a law enforcement agency, Fieldprint will mail a packet to the applicant with the information necessary for an individual to get their fingerprints taken at one of these locations, including the fingerprint card. The applicant would then mail this card to Fieldprint, using instructions provided in the information packet. Once Fieldprint receives the fingerprints, the rest of the process is identical to that

experienced by other applicants. Due to the need for fingerprints to reach Fieldprint through the mail, these checks may take more time to complete.

## 2.0 Truescreen

### 2.1 Who is my Truescreen account manager?

After creating an account, your Truescreen Account manager will reach out to you to introduce themselves, provide information and offer training. If you cannot find their contact information contact Truescreen Customer Service at 888-291-1369 ext. 0.

### 2.2 How can an organization pay for the checks?

Only recipients that are account holders may pay for the checks. MasterCard, American Express, Discover and Visa are accepted. Truescreen does not accept payment via cash or check. Invoicing options may be available in limited circumstances. Please contact Truescreen account manager for details.

### 2.3 Are Truescreen checks fingerprint state checks?

No, the Truescreen state and NSOPW checks are name based.

### 2.4 I have screening criteria above and beyond CNCS eligibility criteria. Can Truescreen adjudicate against my organization's standards?

Truescreen will adjudicate convictions based off of CNCS eligibility criteria; however, recipients will have access to individual applicant conviction data and can review the information and can accept or reject the individual according to their screening criteria. If you reject a candidate, the candidate will go through the Consumer Care process (allows applicant the opportunity to challenge the factual accuracy of the result) and may take several weeks to resolve.

### 2.5 Do applicants have an opportunity to challenge the factual accuracy of a result?

Yes, if recipients reject an individual because of past criminal history, Truescreen will automatically enroll the individual in their Consumer Care process. Truescreen will walk the individual through a process to challenge the factual accuracy of a result. Recipients will be informed of the entire process. The Consumer Care process is detailed in your Truescreen agreement. Please note this process may take several weeks to resolve. Contact your Truescreen account manager for more information

### 2.6 Why do I need to adjudicate Truescreen's "pass" recommendation?

Recipients **must** provide a final adjudication decision. Recipients are required to review and consider the results of the NSCHC when selecting the individual. Truescreen does not make a selection decision but only provides an adjudication recommendation. In addition, per the Truescreen pre-approved ASP, recipients must complete NSCHC before an individual in a covered position is able to start work/service/hours. A complete NSCHC includes a final adjudication from the recipient. A Truescreen check without a final adjudication decision from the recipient is considered noncompliant.

## 2.7 Why do I need to sign off on agreements and disclosures for states I do not operate in?

Recipients or applicants may see agreements to states that they do not operate, serve or work in. These are standard agreements that all Truescreen is required to issue because of state and federal laws.

## 2.8 Why are there references to credit reports, character references or information beyond a NSOPW or state check?

Truescreen also conducts credit and other employment screening reports and require all clients to agree to standard language required by state and federal laws. CNCS recipients are not ordering and applicants will not undergo a credit checks, employment history checks or any check other than the state or NSOPW check that is ordered. If recipients would like to engage Truescreen in their other services, they may do so outside the CNCS contract.

## 2.9 Why does the NSOPW check cost \$7.50 when it is free search?

The Truescreen NSOPW check includes more than the results of a NSOPW search. The Truescreen NSOPW search includes an adjudication recommendation and Truescreen will research source-level documentation when needed; make adjudication recommendations to recipients; facilitate compliance with the Fair Credit Reporting Act (FCRA), including pre-adverse and adverse action notices; provide time records of relevant compliance steps like adjudication; and maintain records

## 2.10 I am having some technical issues, who should I contact?

If you are having a technical issue, take a screenshot of the error message and send to Truescreen Help Desk. Help Desk:

Phone: 888-291-1369 ext. 2006

Email: [help@truescreen.com](mailto:help@truescreen.com)

## 2.11 What if my applicant does not have an email address?

You may use your email or set up another email to initiate the process for the applicant. The email is only used once to send the applicant link to ApplicationStation.

## 2.12 What if my applicant is technology illiterate or does not have access to a computer?

You are welcome to assist your applicant through the process. The applicant is required to enter a digital signature with a mouse or finger (on a touch screen).The applicant will also be required to upload a picture or scanned copy of a government issued photo identification. If you continue to have difficulties, contact your Truescreen Account Manager.

## 2.13 Is Truescreen mobile friendly?

Yes! All Truescreen sites are mobile friendly.

## 2.14 Will CNCS even combine Truescreen and Fieldprint into one account/process?

CNCS will explore this possibility in the future.

2.15 What is the difference between <https://applicationstation.truescreen.com> and <https://mytruescreen.com>?

You will use Application Station once to create an account. You can always log back in to review Truescreen agreements.

Your applicants will use Application Station to complete their application.

You will use MyTruescreen to order checks, review results and pull reports. Most of your time will be spent in your MyTruescreen account.

2.16 Can the home-tab of <https://mytruescreen.com> be customized to CNCS NSCHC requirements?

Unfortunately, the home tab of the <https://mytruescreen.com> cannot be customized. However, take some time and explore that tab. It provides a lot of information screening law and best practices. Truescreen will review the home tab during training. Take advantage of Truescreen training!

2.17 Why is my account set up taking longer than 5 days?

Registration will run most smoothly if you come prepared with your organization's letterhead, a credit card to keep on file, and authorization to sign the company's Terms and Conditions. You may contact Truescreen directly for a copy of the Terms and Conditions to begin any formal clearance process within your organization. There is no cost for registration itself. If you have any questions regarding your account set up or Truescreen services, contact your Truescreen account manager right away.

2.18 Why is Truescreen taking longer than 5 days to return results and an adjudication recommendation?

One possible explanation is that the applicant has a conviction related to murder and/or a registerable sex offense. Truescreen may be researching that conviction before delivering the results to you.

Monitor your account and contact your Truescreen account manager if you believe your check is taking longer to return and for any concern.

2.18 Can applicant disclose previous convictions?

Yes, applications have the opportunity to disclose convictions of murder and/or registerable sex offense only during the Application Station Process. You should be aware that if the applicant indicates that he or she has been convicted of a murder and/or registerable sex offense under a different alias, **you will be charged for an additional check to be run under that alias.**

2.19 I have a lot of applicants to be screened. Is there a bulk upload process?

Yes, bulk upload options are available. Contact your Truescreen Account manager.

2.20 Does Truescreen verify social security numbers?

No, Truescreen does not verify that the social security number is connected to your applicant. Truescreen only verifies that the social service number exists.