

Subject: Criminal History Check Compliance Assessment Process
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National Service Criminal History Checks

Overview of the CNCS Criminal History Check

Compliance Assessment Process

Assessment Period

October 13 to November 30, 2014

Background

CNCS staff, CNCS grantees and the Office of Inspector General auditors are working together to eliminate grantee confusion and non-compliance related to requirements for criminal history checks during monitoring activities and audits. This message includes details on a required assessment plan to ensure all grantees meet the CNCS requirements. In preparation for this assessment period, we have identified the following specific challenges as examples of what must be corrected:

CNCS staff, CNCS grantees and OIG auditors continue to encounter grantee confusion and non-compliance related to CNCS's requirements for criminal history checks during monitoring activities and audits. We continue to see the following:

- Some grantees secured checks through vendors and did not know the vendors were not using CNCS-designated state repositories.
- Senior Corps grantees did not conduct the required checks on program employees paid with grant funds.
- NSOPW checks were not completed before participants started service or staff were hired.
- State and/or FBI checks were not initiated before participants started service or staff were hired.
- Some grantees interpreted the regulations incorrectly and assumed their implementation was in compliance when it was not.
- Some programs did not adequately document that individuals with pending state or FBI checks were always accompanied by another individual with a completed check until the pending check was completed.
- Some programs assumed training hours could be accrued prior to checks being completed.

- Some programs assumed there was the same 30-day period in which to complete the NSOPW as there is to enroll AmeriCorps members in the Portal, and thus performed the check late.
- Some programs used vendors that supplied incorrect checks.

Assessment Plan

CNCS is instituting an assessment period that will begin in mid-October and last for six weeks. During that period all CNCS grantees and sub-grantees must review the files of all currently serving national service participants and currently employed staff to identify any criminal history checks that are not compliant with CNCS requirements. Program staff will also be required to undergo training during the assessment period. This assessment period is a unique opportunity for grantees to conduct a thorough review of their records and compliance policy and correct instances of non-compliance without penalty. Any findings of non-compliance during this period will not result in disallowed costs with the following exceptions:

- If the individual refused to undergo the criminal history checks or self-certify, as applicable.
- If the individual gave a false statement when the program inquired about his or her criminal history.
- If a check component did not clear and the individual was registered or required to be registered on a state sex offender registry, or had been convicted of murder.
- If a program has **not initiated** the required checks (NSOPW, State, and/or FBI checks) on **all** of the individuals actively working or serving in covered positions in their program as of the start date of the assessment period.

This moratorium on collection of costs will not apply to any pending questioned costs in OIG audits. Decisions on disallowance in those cases will follow the normal audit resolution process. The assessment period includes findings from monitoring activities for which CNCS has not issued a debt collection letter.

CNCS will require grantees to confirm that they have completed the required review, document and report their findings to CNCS, and implement any corrective action needed to achieve complete and accurate compliance by the end of the assessment period, including conducting any missing criminal history check components.

After the assessment period, CNCS will issue formal guidance related to the consequences for future non-compliance with the criminal history check requirements. We are only requiring programs to review the results for currently serving covered individuals. However, any findings of non-compliance identified during routine monitoring for past national service participants and staff will also not be disallowed if the program documents its self-assessment process, took corrective action and is now compliant.

Next Steps

CNCS is developing a toolkit for grantees to conduct the assessment and report results. We will require certain staff members to take the online course on criminal history check requirements and complete the assessment process by November 30, 2014. CNCS is also developing online resources to train grantees on both the criminal

history check requirements and the assessment procedures. Materials, including full instructions and frequently asked questions, will be distributed in early October.