

National Service Criminal History Check

Effective Dates

[Revised on January 2, 2014]

The NSCHC is a screening procedure established by law to protect the beneficiaries of national service. The requirements have evolved since they were first established in 2007. The level of checks required for national service participants and staff member depends not only on the nature of their roles but also their start dates.

- I. If the start date falls **before 09/30/2009**, then do the following:
 - A. The NSCHC applied only to individuals (e.g. grant staff and volunteers/members) in an AmeriCorps State and National program, Foster Grandparent Program, Senior Companion Program and other CNCS funded program with recurring access to vulnerable populations (excluding Learn and Serve and RSVP).
 - B. **Component 1:** Programs had to complete the NSOPW check component on their currently serving covered positions within 90 days from the publication date of the rule (08/24/2007). New hires on 11/23/2007 and after must be cleared through this check **before** starting service/work. [See I.F.1]
 - C. **Component 2:** For individuals serving in a covered position with recurring access to vulnerable populations, EITHER the State check component (state of residence AND state of service) OR the FBI check component must be **initiated** no later than the start of work/service. Pre-11/23/2007 positions with recurring access to vulnerable populations were grandfathered in to not have to conduct component 2 (state or FBI). [See I.F.2]
 - D. **Accompaniment** was required while results for Component 2 were pending.
 - E. Baseline disqualifying offense: Sex offenses that require an individual to be registered on a sex-offender registry.
 - F. **JANUARY 1, 2013** reach back and update for currently serving covered positions that started during this time frame:
 1. Effective 01/01/2013 positions NOT covered under the 2007 regulations (those with no access or episodic access to vulnerable populations) were also required to have a **nationwide NSOPW check**.
 2. Effective 01/01/2013 those grandfathered in prior to 11/23/2007 for component 2 and currently-serving must **self-certify** that they do not have a murder conviction.

Grantees must keep that certification in the individual's file. This is not needed if the individual cleared a state or FBI check. Programs should check results of those who did undergo a state or FBI check during this period to ensure there were no murder convictions that were cleared for individuals still serving as of 01/01/2013.

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- II. If the start date falls between **10/01/2009-04/20/2011**, then do the following:
 - A. On 10/01/2009, the covered positions to which the NSCHC applied expanded to **all national service participants receiving a living allowance, stipend, and/or education award, as well as staff** (including new RSVP staff), regardless of contact with a vulnerable population.
 - B. **Component 1:** Programs must complete the NSOPW check **before** the start of work/service.
 - C. **Component 2:** For all individuals in a covered position, EITHER the State (state of residence AND state of service) OR the FBI check must be **initiated** no later than the start of work/service.
 - D. For those with recurring access to vulnerable populations, **accompaniment** was required while results for Component 2 were pending.
 - E. RSVP staff that started before the pre-2009 effective date were grandfathered in and did not have to conduct anything during this timeframe. [See II.G.]
 - F. Murder was added as a disqualifying baseline offense. The disqualification includes individuals who are applicants for covered positions, as well as individuals who are currently serving with the organization in a covered position. Ensure all results cleared individuals against sex offenses and murder.
 - G. **JANUARY 1, 2013** reach back and update for currently serving covered positions that started during this time frame:
 - 1. Effective 01/01/2013 those grandfathered in prior to 10/01/2009 for component 2 and currently-serving must self-certify that they do not have a murder conviction (e.g. RSVP staff who started before 10/01/2009). Grantees must keep that certification in the individual's file. This is not needed if the individual cleared a

state or FBI check since 10/01/2009.

2. Effective 01/01/2013 RSVP staff that started before 10/01/2009 were also required to **conduct a nationwide NSOPW**.

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III. If the start date falls between **04/21/2011–12/31/2012 (Gap Period)**, then do the following:

- A. **Component 1:** Programs must **complete** the NSOPW check **before** the start of work/service.
- B. **Component 2:** For all individuals in a covered position who started on or after 04/21/2011 and completed service by 12/31/2012, EITHER the State (state of residence and state of service) OR the FBI check must be **initiated** no later than the start of work/service.
- C. For those with recurring access to vulnerable populations, **accompaniment** was required while results for Component 2 were pending.
- D. The number of days used to calculate a **break in service** was extended, retroactive to 04/21/2011 from 30 to 120 days.

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IV. If the start date falls on or after 04/21/2011–Present, then do the following:

- A. **Determine** whether the position has recurring access to vulnerable populations or not.
- B. **If access is not recurring or episodic**, then for all individuals who started on or after 4/21/2011:
 1. **Component 1:** Programs must **complete** the NSOPW check **before** the start of work/service.
 2. **Component 2:** For all individuals in a covered position, EITHER the state (state of residence AND state of service) OR the FBI check must be **initiated** no later than the start of work/service.
- C. **If access is recurring**, then for all individuals who started on or after 04/21/2011 and continued their service past 12/31/2012:

1. **Component 1:** Programs must complete the NSOPW check **before** the start of work/service.
2. **Component 2:** The State (state of residence AND state of service) check must be **initiated** no later than the start of work/service.
3. **Component 3:** The fingerprint-based FBI check must be **initiated** no later than the start of work/service.
4. **Accompaniment** is required while results for component 2 or 3 were pending. Accompaniment can cease if either Component 2 or 3 cleared.
5. If an individual falls into the gap period for their first term of service and returns for a **consecutive term of service** within 120 days, he or she would need to **supplement** the already-completed components with any missing component required to have recurring access to vulnerable populations, even if he or she did not have it for the first term due to the gap period.
6. If an individual has a **change in position** on or after 01/01/2013 and will be having recurring access to vulnerable populations in their new position then he/she's criminal history check must be **supplemented** with any missing checks (e.g. the FBI check). This applies even with a break in service less than 120 days.