

AmeriCorps Staff Development Series: NSCHC – Advanced Topics



Webinar Session Highlights (July 12, 2018)

Part of the 2018 AmeriCorps Staff Development Series, this webinar focused on advanced topics surrounding the National Service Criminal History Check (NSCHC) requirements. The target audience was AmeriCorps national, multi-state, and tribal program staff who have a responsibility or role related to criminal history checks (CHC). CNCS organized this webinar to strengthen grantees' understanding of available NSCHC resources that facilitate compliance with requirements; to offer participants an opportunity to ask questions of CNCS experts on NSCHC; and to clarify guidance on requirements. The session included a discussion of NSCHC; reviewed topics such as the Enforcement Guide, Mitigation Matrix, and Fieldpoint; and highlighted resources.

Speaker:

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Overview

CNCS requires that all grantees conduct a CHC on participants (volunteers) and employees. To facilitate compliance, the agency provides funding, mandates that grantees have associated policies and procedures in place, and offers guidance to grantees. CHC verification requirements include Social Security Number, criminal history, and citizenship verification. In the event of noncompliance, CNCS issues a debt notification letter to the prime grantee.

When considering the NSCHC requirements, it is imperative that organizations develop a culture where abuse is discussed, addressed, and prevented. Organizations must overcome challenges associated with beliefs that hinder abuse prevention (e.g. the idea that abuse couldn't happen in one's organization) and with structural issues that impede prevention (e.g. poor employee/volunteer retention, limited/inadequate resources). To support strong risk management, CNCS has developed a list of resources for organizations to review, all of which are available on slides 13 and 14 of the webinar's corresponding PowerPoint presentation.

There are three **common noncompliance findings**:

- 1) **Time** refers to a failure to perform the search of individuals on the national sex offender public website (NSOPW) prior to the start of service and/or a failure to initiate the state and FBI checks on time.
- 2) **Documentation** refers to the failure to document adjudication that the individual is clear to serve (e.g. NSOPW or FBI with no hits); the failure to document the initiation of State and/or FBI checks; and/or the failure to retain results of State and/or FBI checks.
- 3) **Understanding** refers to the failure to assess and hire vendors who can perform fully compliant checks; the lack of awareness that checks are required for staff; the lack of compliance with accompaniment requirements; and/or the inability to update grantee-specific NSCHC policies to coincide with the revised CNCS guidelines.

Enforcement Guide

In the event of noncompliance (either self-reported or identified through monitoring action), grantees must use the Enforcement Guide. This guide covers documentation requirements and information regarding what happens during disallowance. Topics within the guide include:

- 1) **Ineligibility**: This section includes reporting and documentation requirements as well as directions about how to remove persons from service who are ineligible to serve and disallow all costs.
- 2) **Monitoring Responsibilities**: This section contains information about expansion of scope.
- 3) **Calculating Disallowance**: This section includes the Mitigation Matrix and corresponding flowcharts (see below).
- 4) **Self-Reporting**: This section contains information about documentation requirements for self-reporting and self-reporting rates. (Reminder: Grantees should self-report anytime noncompliance is identified. Doing so will result in a lower mitigation rate than if another entity, e.g., CNCS staff, found it.)

- 5) **Disallowance and Payment Procedures:** This section includes an overview of required documentation, the debt notification letter to prime grantee, and payment procedures (e.g. funds cannot come from a federal source).

Mitigation Matrix

The Mitigation Matrix should be used in the event that a file is noncompliant. The first element of the Matrix is an overview document that defines mitigation rating, corresponding definitions, and disallowance costs based on type of reporting and mitigation level. The second element of the Matrix includes two flowcharts – one for no access or episodic access to vulnerable populations and the other for recurring access to vulnerable populations – which enable grantees to determine mitigation level.

Vendor Checks

Vendor checks are a common place for noncompliance to occur. To ensure compliance, grantees must provide evidence that the data is not time limited in any way – that is, the data goes back as far as the data held by the designated state repository. If the vendor only provides a pass/fail adjudication, it must be based on information that is not time-limited and that is based on a:

- Nationwide check of the NSOPW that is completed before the start of work or service.
- Compliant State check that is initiated no later than the first day of work or service through the CNCS-designated repositories in the States of Service and Residence.
- Compliant fingerprint-based FBI check that is initiated no later than the first day of work or service through the CNCS-designated repositories, CNCS-designated channeler (e.g. Fieldprint), or the departmental orders (DO) method submitted directly to the FBI.

Accompaniment

If an individual is in a covered position and has recurring access to vulnerable populations, the individual must be accompanied (in the physical presence of someone who meets the definition of “compliant accompanier”) while their State and/or FBI checks are pending, whenever they are anticipated to be in contact with vulnerable populations. Once results clear, accompaniment can cease. (Note: When the state of residence differs from the state of service, then both checks must be cleared to cease accompaniment.) Accompaniment is not an alternative to late or noncompliant checks and must be documented *contemporaneously*. Furthermore, documentation must include the time, date, and name of the accompanying individual. If accompaniment does not meet the criteria above, it is not compliant. Grantees must have policies and procedures that clearly describe accompaniment.

A *compliant accompanier* is an employee or representative of the site that's already allowed access to vulnerable populations by their organization. For example, if an individual is going to serve in a nursing home, any staff not on a CNCS grant that the nursing home has cleared for access can accompany them. Parents and guardians of an individual who is a member of a vulnerable population may also provide accompaniment, as appropriate for the program design. If the individual who provides accompaniment is in a covered position on a CNCS grant, they must be cleared by the CNCS NSCHC requirements for access to vulnerable populations.

Fieldprint

Fieldprint is the CNCS-approved vendor to provide adjudicated FBI checks. One of a limited number of entities which have a channel into the FBI's database, Fieldprint offers grantees the service of having their fingerprints live scanned and providing FBI checks within a 48 hour turnaround time. Checks are \$27.50 and Fieldprint has locations in all 50 states plus territories.

Resources

- [AmeriCorps Knowledge Network](#)
- [Fieldprint](#)
- [Nonprofit Risk Management Center Staff Screening Toolkit](#)
- [NSOPW website](#)