



### Text Transcript

**Barbara Reynolds:** Hi. Good afternoon. This is Barbara Reynolds at the Corporation for National Service. I want to welcome you to today's presentation on National Service Criminal History Checks, Advanced Topics. We are just now opening up the webinar portion, the visual portion of our presentation. There's just a couple of seconds left so if you want to go ahead and answer the poll question, what is your role in your organization for ensuring compliance for the criminal history check requirements, please answer that poll in the next couple of seconds. Also, if you want to put yourself on the map of the world, please do that as well.

We will get started with our visual presentation in just a couple of seconds. We're counting down. I see some people are answering the poll. Thank you very much. Great. Thank you so much. All right. We're going to go ahead and start with the visuals. As I said, my name again is Barbara Reynolds and I will be kicking us off with the logistics portion of today's presentation and providing some opening comments, some framing comments for what today's presentation is meant to accomplish and how this webinar fits in with our overall training program for AmeriCorps State and National. Before we get into any of the content, I do want to conduct a quick technology check with you just to make sure that Adobe Connect and our phone lines are being our friend today.

You can see that we will be recording. We are recording today's presentation so if you don't want to be recorded, definitely disconnect at this time. We will post the visuals for today's presentation along with our audio portion on the Knowledge Network later this month and we will have the chat box open throughout today's presentation. If you could, just take a second right now and type a quick greeting into the chat box to your colleagues, your folks you saw on the map of the world, folks on the line with us today, just a quick howdy, how's it going? I want to get a sense of who is on the line with us and also make sure that you can hear me. This is always the nervous part of the webinar when it's eerily silent.

Great, thank you so much. I see a lot of greetings, going into that chat box. That's wonderful. Thank you, keep it coming. If you haven't typed in your howdy yet, please do. We definitely want to say hi to you in the chat box and want to know that you're on with us today. As I said, we will have this chat box open. Our presenters and I will be looking at it as we move through our presentation with you. In addition to your howdies, if there are comments or questions you have while we are presenting content, please feel free to put them in the chat box. They won't get lost and we definitely have you use that tool as we are moving through our content today.

Just to kick off the opening remarks for today's presentation, I just wanted to let you know that today's session is part of the 2018 AmeriCorps Program Staff Series that our state and national staff are putting together and presenting for you. Each month, we have one or two webinars that are designed and delivered for AmeriCorps programs, AmeriCorps national and multi-state programs, our tribal programs and our state commission partners. Sometimes the webinars are tailored to a particular audience, just the tribes or just the nationals or just the commissions. Sometimes, they're meant for anyone and everyone and they're focused on a particular topic like today's presentation.

We definitely hope that this series including today's presentation will offer you and really all of our partners around the country, an opportunity to take a step back from the day to day hustle and bustle of the work that we do and focus on some of the bigger picture issues of our works together. Some of the more complex or complicated aspects of what we do. With that in mind, I think the criminal history check requirements obviously fits into that category. You can see on the slide in front of you, this is the list of the webinars that we are presenting and covering during 2018, we're about halfway through, a little over halfway through our series.

We have ... As I said, we've covered I think some of the bigger picture items like continuity planning, sustainability planning. Some of the more technical pieces like developing data collection plans and now, of course today, we're looking at Criminal History Checks and Advanced Topics related to it. Typically, as I said for these webinars, we are expecting and I think your howdies are validating for me that we're having combined audience of staff from AmeriCorps programs as well as staff from State Service Commissions. We do hope, we think it makes sense and the content today is really targeted.

For those of you who have a particular responsibility or role related to the criminal history checks, right, like the questions in our poll at the beginning of the session indicated, we think and we hope that the content today is going to be really relevant to you, if you conduct, if your responsibility is to conduct compliance checks at your program, if you monitor for compliance for your sub-grantees if you're at the commission, for your site or your staff, if you're at a national and multi-state program and/or, if you have a responsibility to provide training on the criminal history checks.

We know that that is also a major responsibility and something that a lot of folks are doing along with us and our staff around the country. That's what we're looking for in terms of today's participation. It is my pleasure to turn it over to our speaker today. Liz Jung, as you can see is our esteemed colleague. Our specialist I think. Our expert in criminal history checks. She's been with us for now, five years, right? It's a big anniversary and coming from a great background of course with AmeriCorps VISTA. Take it away Liz and as I said, while this is presenting, please feel free to use the chat box to put in any comments or questions that you have. Thank you.

**Liz Jung:** Hey, guys. Good to be back, good to see a lot of familiar names in the chat box. We're going to get started on some criminal history check topics. This is not a 101. If you are coming to learn about how to do the checks, or where you can go get the checks, I'm just going to refer you to our Knowledge Network page. All that information is up there. We're not going to go over what are the requirements? What's an eligibility mean? We're going to talk mostly about enforcement guide actually today. We're going to talk about some other non-compliance issues but we're really going to do a dive into the mitigation matrix and then of course, there's going to be some time for Q and A.

I'm going to look at the chat box every now and then and Barbara will be monitoring it, some other people will be monitoring it so we'll try to get your questions. Otherwise, you can just leave them at the end. Let's go ahead and get started. I hope that you guys are going to walk away from this presentation, understanding what kind of resources are available to you and then also just an opportunity to ask any questions that you may have that you haven't had answered before. I am not a state and national program officer. I don't work with AmeriCorps. I actually work under the office of the chief risk officer. This is just a brief, very simple org chart, up on the chart you see.

I basically showed this to you guys to just emphasize that, while I'm not a program officer, we do work very closely with program officers. If you have a very specific program question, I may not be able to answer it but we'll have people here in the room who can help you get criminal history check questions. We can definitely go at it. If you've been to any of my convenings, the regional convenings, these screens will look a little familiar to you but I always want to talk about it because I think a lot of times with the criminal history checks, we are really caught in the weeds.

It's really easy to get caught up in what's your ... if you're going to the right repository, what documentation you have and you forget about why we're doing this. I just want to reinforce how important it is to develop a culture where abuse is discussed, addressed and prevented. What you see on the screen is just an example that I pulled from a CDC document, you can find it there at the bottom but this is just an example. This isn't a requirement but this is just somewhere to get you started on thinking about how you protect your communities. You can see, this CDC example had a six-step program. It's recommended for you to screen and select employees and volunteers or guidelines and interactions.

How do you monitor people, how do you ensure safe environment, trainings. This is big ... this is a lot of stuff to do to create a safe environment and CNCS, actually it only requires you to do that first half of that first bullet which is screening. I hope you guys have had these conversations and are thinking about how you can incorporate other things into your practices to make sure that everyone is safe. I know it can be really difficult because you guys are all ... Everyone is wearing multiple hats and I know not a lot of people are experts on abuse, on abuse trainings and what type and how to look out for your communities but it's something that you have to talk to, it's something to talk about and you have to address and there's some challenges that people say a lot of times.

I just want to talk about those and address those and hopefully, give you some ideas to overcome those challenges. There are these beliefs that abuse doesn't happen at your organization that the offenders can never be your staff or never your volunteers or never your community members. Then, there's this implicit ... like you're implicitly saying that abuse happens here if you focus on it. I think you just have to get over those beliefs. You can't operate in the sense that everything is perfect. We know that abusers aren't everywhere, they're not walking around and telling you that they're about to abuse someone. You just have to be vigilant, a little bit paranoid but also realistic.

Then, a lot of times there can be structural issues that hinder prevention so this idea of poor employee or volunteer retention, the fact that people come in and out of your doors a lot, it can be exhausting, to continuously do training every year or every couple of months about this but I think it's just so important to do that. You have to one, acknowledge it and then also get support to continue to do it because if this becomes something that's always talked

about in your organization, then it becomes part of your culture and then people know what to do in God forbid, instances where they see something, or they need to report something.

There are always challenges with limited or inadequate resources who has the time, who has the money, who has the expertise and then there's also this idea that it can be really difficult to adapt abuse prevention policies and procedures. This is actually where CNCS can help you because we require you to do a CHC. We give you money to do CHC. We require you to have policies and procedures in place and since you're already doing this, I just suggest you to again, make that conversation broader. Go beyond just screening. Figure out how you can best monitor your people. What kind of training you're going to have, what type of policies and procedures you have to ensure safety in your environment.

I just hope you guys are thinking about that. I hope over this summer and the past year, so people have made some progress on creating safety systems for their people. What's highlighted in orange now is again, these two bullets that will help ... that CNCS can help you begin that conversation of leadership if you haven't had that already. Again, here are just some resources for you. These are the same resources that I bring pretty much to all the trainings, that's always good to emphasize what they are. I know it's a lot of on this slide, but you'll have access to the slides so you can go check it out. That first bullet the Nonprofit Risk Management Center Staff Screening Toolkit, that is actually a license that CNCS has bought and is available to all grantees.

You have a ton of reasons to see this up on the NSOPW website, there's a little education tab that's right next to like the tab that you used to go do that check. A ton stuff, great stuff is on them and then if you're interested in this six step program, that I've talked about in the previous two slides, that information can be found on the third indented bullet underneath the CDC bullet, the preventing child sexual abuse within youth-serving organizations. Just more resources for you and then at the ... my bottom two are also resources to prevent elder abuse. All right, now, let's get back into the weeds. Let's talk about some common compliance findings.

The common compliance findings are pretty basic. They fall into three major buckets, time, documentation, and understanding. In terms of time, it's just failure to do the NSOPW before start of service and then failure to initiate the state and FBI checks on time. There's a lot ... A ton of noncompliance in which, it's because of time. Then, you got documentation. It's just failure to document adjudication. Sometimes they're going to get results where are there no results, right? You get NSOPW with no hits, FBI with no hits, you still have to adjudicate that. You still have to have written documentation that you reviewed it and this person is clear to serve.

The failure to document initiation of State and FBI checks, you guys have the flexibility of defining initiation as long it's one step beyond getting consent and it's towards getting a criminal history check. That should be documented in your policies and procedures and you should be following that then. Then, also this failure to retain results of state and FBI checks, I was looking at a lot of IPERIA results this week and it's amazing just all the responses that we get of people saying, "We did this but all the results have been destroyed." You have to keep the results. Then, also understanding.

Sometimes people don't understand that they have to do checks for their own staff. They do all the members and forget their staff. Sometimes they hire ... All, were very well-intentioned. They hire vendors yet take on this burden for them and turned out the vendor does not have access to the right repositories and then they are not compliant. Then, accompaniment. Accompaniment is these, there's so much documentation requirements and if you missed one piece of documentation with accompaniment, you are now noncompliant. People, accompaniment can be a huge issue and then also just sometimes grantees don't update their own policies and procedures to be in line with CNCS regulations.

These are ... it sounds like everything. Unfortunately, that's kind of the case at CHC. They can be really complicated, I know. We're trying to make it easier for you guys but there's a lot of noncompliance in CHC. All right, let's talk really quickly about CHC Verification. I know this is new for you. If you have questions on it, I will have Jim Stone in the room, so he can help answer. I may not be able it but you guys know this drill now. Basically, you have to complete social security number, criminal history check and citizen verification and enrollment forms. You have to certify NSOPW is complete and you certify your state and FBI checks are initiated and then you press save to go on.

Hopefully with this new verification and enrollment page now, state and national is going to be totally compliant with criminal history checks so you guys have done everything, which is great. Hopefully, that will be the case. All right, now, let's go into the enforcement guide. What does the enforcement guide detail? This is the third iteration of the enforcement guide. It came into being, I guess in April 2007. Before that, there were two other iterations. They were under different names directly, there was like disallowance guidance. This one is now the enforcement guide and it covers a couple of things and mostly covers documentation requirements and what happens during disallowance. You only go to this guide if something is noncompliant.

If all your checks are 100% compliant, you will never have to use this guide ever. There are a couple of things that are covered in this guide. One is ineligibility. It covers all the reporting and documentation requirements and has directions about removing this person from service and disallowing all costs. Remember ineligibility is someone who falls into those four buckets of being ineligible to serve so that's someone who refuses to consent to doing the checks, someone who makes a false statement in connection with their criminal history checks. Again, that's someone who gives you the wrong fingerprints, someone who falsely ... can provide false identification information.

Then, people who have been convicted of murder as defined in 18 US code 11. You should check that, I don't think I have that one memorized and people who are required to or on a sex offender ... required to register or on a sex offender registry. Those are the people who are ineligible. Then, you're also going to have information about your monitoring responsibilities so for example, the idea of expansion of scope, if you find two or more noncompliant files that you need to expand the scope. Calculating disallowance. There's information about the mitigation matrix. There's information about self-reporting, the documentation requirements for self-reporting and then also about self-reporting rates.

Then, it ends with some disallowance and payment procedures. We talked again about what documentation is required and about the identification letter to the prime grantee and the idea that payment cannot come from the federal funding source. All right, we're going to come back to that. Again, when do we use this enforcement guide? It's basically, when you have cases of ineligibility or noncompliance and that's noncompliance whether that's self-reported or it's a monitoring action. When do you use the mitigation matrix? When the file is noncompliant. Sorry, so use the mitigation matrix when the file is noncompliant.

I also just want to point something out that I think sometimes gets forgotten about but as of January 1st, 2013, all individuals in covered positions are required to at least have a search of the NSOPW. If you have a file ... if you come across a file that does not have the NSOPW or a mitigating sex offender check or other mitigating factors, then it will have a low mitigation rating. It will result in a low mitigation rating which, if you guys remember mitigation means, to the effort to reduce the severity of something so low mitigation rating results is correlated to a higher disallowance amount. Then, there's also a corrective action and enforcement guide. That's appendix B.

Let's talk a little bit about self-reporting. You need to know two different types of definitions when you think about self-reporting. The first one is the actual definition of self-reporting and basically, it's allowable when ... it is allowable to self-report before you receive a written notice of a future oversight or monitoring activity. That could be an IPERIA sampling. It could be an IG audit or investigation, it could be a site visit, it can be a desk review. You get this written notice from a monitoring official. What is a monitoring official? It's a broad definition. It could be program and grants officer of CNCS.

It could be state commission staff and it can be other recipient staff members who are responsible for monitoring and enforcing compliance and NSCHC requirements. A prime recipient cannot self-report to CNCS non-compliance they've discovered during their own monitoring. All right. Let's keep on going, this lovely, lovely chart here is the mitigation matrix. You're going to see at the very top there, there are different disallowance amounts. One is that self-reporting rate and then one is that standard disallowance. Standard disallowance is going to come into play often when it's a monitoring official who's reviewing your file.

It could be a CNCS program officer. It could be commission staff for that amount and then, comes into play. The chart is then divided up into two different types of disallowances, which is basically, if you have recurring access to vulnerable population and then if you have no or episodic access to vulnerable population. We are working on a flowchart. I know probably a couple of you guys have seen that flowchart. I want to get it out this month, in July. If we get it out in July, it's going to be a huge one. We're working on getting it tested still but hopefully, it will come out very soon. This is what it looks like. I'm sorry that it looks so little. Is there ... Can we zoom in all or is there no way to zoom in? Okay.

**Barbara Reynolds:** Yeah, we just can get a full screen, I think.

**Liz Jung:** Okay. All right, cool. Yes, that's great. Let's look at the flowchart real quickly. This one is if you have no access or episodic access to vulnerable populations. Our first question is, is a sex offender check present? You can check all that apply but only one is needed to move on. That is, you're looking at a file, you know something is noncompliant. That's why you're looking at the enforcement guide. That's why you're looking at the mitigation matrix. If you're looking at your file, is there an NSOPW on there? Great, check it off. Is there an incomplete NSOPW? An incomplete NSOPW means, it's on time, the name is correct but its states or tribe or territory is missing.

Is there an adjudicated FBI fingerprint check? It's not enough just to have your initiated FBI check documentation

present. It has to be an adjudicated FBI fingerprint check. You can have a national sex offender registry check from a vendor. You can have a statewide sex offender check from the state of service or the same thing from the state of residence. What you see in that box, that first gray circular box, these are sex offender checks. If you have one and you're going to go to the next box, yes, it wasn't adjudicated. If it's yes, you're going to go back to the ... you're going to go to the next question but if not, it's going to be low mitigation.

Again, remember, if you don't have ... in this circumstance, if you don't have a sex offender check, it's almost automatically going to be low mitigation. If you do, it's going to ask, if you have ... if a sex offender check is adjudicated and if it was initiated before the start of service worker hours. If so, or if not, you're going to get the same question. It's then going to ask you, is the initiation document present even if it's late. You need to have proof that's been initiated even if it's late after the start date. If you have any of these, a fingerprint, FBI check, a compliant, state of service check, compliant state of residence check or vendor check, that includes a nationwide search of state criminal history check.

If you have any of those, it's going to be high mitigation. If you do not have any of those, it's going to be a moderate mitigation. I mean, sorry, I said that wrong. If you do not have any of those, it's going to be low moderate mitigation. You're going to get ... it's going to be low mitigation. You're going to get to moderate ... I'm sorry guys, you're going to get a moderate mitigation if the sex offender check was adjudicated but it was late adjudicated. Does that make sense? I'm going to pause right here and just go to questions.

**Barbara Reynolds:** Liz, do you want to pause for questions in the chat box?

**Liz Jung:** Yeah, yes, sorry guys.

**Barbara Reynolds:** Yup, so folks hopefully, we have not completely lost you visually. We're back to the regular screen now and if you have any questions or comments based on what you've seen or heard so far, please take a second and put those in the chat box and we'll pause here and just give you a chance to do that and also to read what you're putting in.

**Liz Jung:** Okay, we've got some examples in the next few slides that will help kind of highlight the use and how you understand the mitigation matrix. We'll go on next to, this is the mitigation flowchart when you do have recurring access to vulnerable populations. I'm going to again, expand the screen so this is all we see. Similar concept, some of the questions are in different order so were going to start off with initiation documentation of one of the following. If you select any of this one, you can go to the next BS. That's if you have initiation, documentation of a fingerprint based FBI check, compliant state of service or residence check and a vendor check that includes nationwide search of state or criminal history information.

If you do have one of those, it's going to ask you again what's the initiated reports of worker service. If yes, it's going to ask if accompaniment was required. If accompaniment was required, it's going to ask if it was performed. I'm just going to go down to yes route right now. If accompaniment was performed then, it's going to ask you about the sex offender check. It's going to be those same different types of sex offender checks that NSOPW, incomplete NSOPW, FBI fingerprint check, state ... sex offender check, it might be state of service, residence and then a vendor national service check. If you have all of those and if it's adjudicated, and also, adjudicated on time, it's going to get to high mitigation.

If you have a sex offender check but it's non-adjudicated or it's not adjudicated on time, it's going to take you through moderate mitigation. If accompaniment was required and not performed, you're still going to get that sex offender check question but you're either going to end up in a low mitigation or moderate mitigation situation. It's going to be moderate if the sex offender check was adjudicated and adjudicated on time. Otherwise, it's going to be a low mitigation matrix. Then, if we start again at the beginning, if you have initiation documentation for again, FBI, any of the state checks and then a vendor check which includes the nationwide search of state, criminal history check information.

If you don't have any of that, the next question is going to be again, do you have ... or if you have the initiation documentation, you have the actual check present. If you have the actual check present, even if it's late, you're going to get that sex offender check again. If you don't have the actual documentation of the check, you're going to end up in low mitigation. If not, you're going to get again ... answer whether sex offender check has been adjudicated and adjudicated on time. If so, you're going to end up in moderate mitigation. If not, it's going to be low mitigation. From these flowcharts, you really see how important that sex offender check is.

Again, you have to think about ineligibility, it's going to be murder and offenses that require you to register on a sex offense registry. Often times, murder is going to ... is definitely going to show up on your FBI and state. All right, we're going to minimize again and then stop again here. Any questions on that? Go ahead and type it in. Great. Thanks, Meredith. I'm glad you think the flowchart is great. I want to get this to you guys this month. It has been ... we've created this in freaking March.

**Barbara Reynolds:** It'll be bigger. Bigger.

**Liz Jung:** Yes, it'll be bigger. We're going to add most likely a thesaurus type thing. Is this information incorporated into a Spreadsheet anywhere? It was at one point, it was in the enforcement laws, but we got a lot of complaints about how it was too unwieldy and comments like that ... so we're like, "All right, we'll take it down." We are in the process of creating a much more beautiful form. It will not be a spreadsheet and hopefully, that could come out soon to you guys as well. How do you self-report and how often should you self-report? We got some of the questions coming in. All right, how do you self-report and how often you should self-report?

You should self-report anytime you see any noncompliance because when you self-report, you're going to get a lower rate than if someone else found it. That someone else could be commission staff, it could be CNCS staff. How do you self-report? That information is in the enforcement guide. There are some ... there's a lot of documentation that you have to provide. Then, when you self-report, you don't just send a check or the commission shouldn't just send in a check to CNCS. You need to wait until you received a debt notification letter from the corporation. What do I mean by adjudication?

I mean, it needs to be documented that the results have been reviewed and the person is not a sex offender, someone who is registered to be a sex offender or already registered on a sex offense registry and have not committed murder so that needs to be documented somewhere. I've seen it on the actual checks. I've also seen it on a form, on like a separate form that people use to keep track of all the information. Again, if you have an NSOPW results and there are no results, you still have to adjudicate it. Still someone has to look at it and say this person is okay and good. In terms of documentation, I've seen people do their signatures and the date and the reason why this person is not your candidate.

Can I explain the dollar amounts? The dollar amounts are two different dollar amounts. The lower rate is your self-reporting rates, your higher amounts is going to be the standard disallowance so that's ... if someone has discovered it, if a monitoring official discovered it so that's usually CNCS program officers, it could be commission staff. Should we prorate start date stipends based on complete NSCHC checks and enrollment? I actually don't understand enough about how you guys do your start date but I don't have an answer to that. I don't fully understand that question so I will just write it down.

**Barbara Reynolds:** Yeah, Angela, this is Barbara, I would also recommend reaching out to your program officer specifically. He or she may know ... have more detail about your program design and may give you ... would be able to think that through with you in a full way.

**Liz Jung:** Yeah, we play ... the next question is, so we pay CNCS for noncompliance? Yes, that's correct, CNCS will issue a debt notification letter. It will go to the prime grantee, that letter I think details how you pay for it, if there's like a payment plan or something like that in more details and yes, that payment comes to CNCS. We got a question from Theresa. Is that for fingerprints and NSOPW checks? Do you mind clarifying that question? I don't think I understand what that is referring to.

**Barbara Reynolds:** It's the penalty, the dollar penalty applied for those, does that-

**Liz Jung:** The disallowance?

**Barbara Reynolds:** The disallowance-

**Liz Jung:** Yeah, when I talk about criminal history checks or national service criminal history checks, I'm talking about a host of things. It's going to be the three checks that you have to do, which is going to be your NSOPW, it could be two state checks, the state of service, state of residence and your FBI checks and then all of the documentation requirements that are needed and tied to criminal history checks so that could be the ... verifying identity with the photo ... with the government issued photo ID, you could be getting consent from the person who do the checks. It can be the understanding that becoming an AmeriCorps member or someone who's ... or staff member who's paid by CNCS dollars or match funds, it's like to become one of those is dependent on the results of the checks.

It includes a whole host of things so I guess shortly yes, these disallowance is associated with the criminal history checks but it's also more than that if that makes sense. If you guys use any other background vendors for these host of things. Yes, in order to do ... there is a vendor for your FBI checks, it's called Fieldprint. Fieldprint is a vendor that is approved by CNCS to provide grants, to provide you FBI checks and we can ... I think, yeah, in a couple of slides I have more information about it so we will get to that as well. We are in the process of getting another vendor to get ... do the state and NSOPW for you. I've got a lot of questions about it.

During an audit, how many years back, could we be audited on? If we're audited and self-disclosed in 2016, are auditors only looking at files from 2016 to present? Alyssa, I do not know the answer to that question either but if you self-disclose, you should definitely keep all that documentation in your files. Another question is, so CNCS issues the debt notification letter to the prime recipient. Does the prime recipient pay directly to the CNCS or is it the noncompliant

subgrantee? It is actually kind of the choice of the prime recipient. CNCS only has the relationship with the prime recipient so however the prime recipient decides to get that money to CNCS is up to them.

There's no guidance that CNCS provides on how they do that. We just know that the cost comes to CNCS from the prime recipient. Looks like we skipped a question ... That's the question that we just answered, okay, cool. All right, guys, I'm going to keep going and then we'll come back, come back to the questions. All right. Let's talk about mitigation matrix examples. You guys ... I forgot to make the answer of this an appearing ... a transition so you see already that this is a high mitigation. We're going to go through this anyways. Let's say, you were looking at your files, you see someone who has access ... you're looking at a file where this person has access to vulnerable populations.

Actually, you may want to write this down because we're going to go back to our flowchart to help you guys get a little bit more understanding about it. Basically, the start date is going to be 5/12/2018. FBI was initiated and adjudicated before the start date. The state was also initiated and adjudicated before the start date but the NSOPW was missing so what do we do? How do we get the mitigation rating from this? We're going to go to referring access to vulnerable populations. I'm going to make our screen big again. Let's look at this, that first question is, is initiation documentation of the following present? We know we have it for the FBI and for the state so yup, check off FBI, check out state, let's go to yes, go along the green yes column or yes arrow.

The next question is was one of the above initiated before the start date, FBI was initiated on ... initiation was before, yeah, yeah. Sorry. The FBI was initiated before the start date. Awesome, let's go to ... yes, was accompaniment performed? It wasn't required because you got state and FBI before so you're going to go to no. Is a sex offender check present? What you can see then is an adjudicated FBI fingerprint check account and it was adjudicated before the start of service, so we'll say yes so we know the FBI check was adjudicated because you went to Fieldprint and they gave you an adjudication and that was adjudicated on May 10th so that's going to be a yes and then, was it adjudicated before the start of work service hours. FBI was adjudicated on 5/10, the start date was 5/12 so yes.

It's got a result in high mitigation. You're still going to get hit with the disallowance because you are missing the NSOPW. All right, we're going to come back and go to the next slide. Any question from that quick example? That was actually a pretty easy one. I'll just go to the next one here, which is moderate mitigation example. This is someone who does not have access to vulnerable population, start date was January 12th and the FBI was initiated on the 12th and adjudicated on the 12th and the NSOPW was done on ... actually, early on the 11th but it was not adjudicated, why does this result in a moderate mitigation? Let's go back to that slide.

No access to moderate, no access to vulnerable populations. They have the ... let's see, is the sex offender check present. We know that there is a sex offender check present because we have an adjudicated FBI fingerprint check and we can go to yes, with the adjudicated yes and then was it adjudicated ... was the sex offender check also initiated before start service worker hours and unfortunately, no, because it's on that first day, that's on the 12th, so then it's going to go to no and then, initiation document of one the following checks present, even it's like we know the initiation segmentation for the FBI is on time, it is present even it's late.

It's not late, it's on present so then you're going to end up in a moderate mitigation setting. It's going to be 500 or 1,000. I got a question, is the NSOPW date correct? It's supposed to be 2018, my bad. Basically with that situation, I wanted to show that the NSOPW, everything was done correctly actually. FBI was initiated on time, you even got the adjudication stay on time. NSOPW was run the day before but the fact that it was not adjudicated, is going to result in a moderate mitigation rating. That's why, again, it's so important to adjudicate. Again, let's step back from the trees to look at the forest.

Why is it important for it to be adjudicated? Because doing the checks is not enough, you have to look at it and make sure the person is eligible to serve. I know it can be a really easy to look at NSOPW that has no hits. You still have to document on there that you've looked at it, that this person is clear to serve. I'm going to pause here for some questions. So checks can be done same day as start date not before? Checks can totally be done before. Yeah, they can just be done no later. FBI and state checks must be initiated no later than the start of service worker hours. NSOPW has to be done before.

In this case, NSOPW ... the grantee did everything correctly. They did the NSOPW before, they got the FBI initiated on the day of, they even have adjudication on the day of but they did not adjudicate NSOPW. I think there's some questions coming so I will pause to wait for them. Sorry, just wondering why it's called disallowance when payment cannot come out of grant funds? Seems confusing. That is just the term that we call it and it's been cleared by our attorneys.

**Barbara Reynolds:** I see what the comment means, it is allowable cost, something we talked about with grant funds, but we're talking about disallowance and it's actually not a grant fund. That is a penalty, if it makes sense.

**Liz Jung:** We got a question so basically, we need some kind of document that ... some kind of certification that we looked at results correct? Yeah, everything needs to be adjudicated so that could be a separate form, or it could be just written directly on the checks. If we have a non-compliant check is it best to notify you? No, I mean, there's a lot in that question. If the person is ineligible, you must notify CNCS. If the person is noncompliant, you should self-report and you get the lower rate. I just see that we've got a couple of more questions typing. I got a question about showing us an example of compliant adjudication for NSOPW, FBI and state check.

I do not have one on me right now and we don't actually dictate what it should look like. Again, what I think the best thing to think about is God forbid, pretend you're under an OIG audit. The OIG often uses contractors to do their audit. Often times these contractors may not have any idea about who you are, your organization or your program even. How can you prove to someone who is there to audit you, who has no relationship to you or no understanding of your program that you're compliant? They're going to be looking to the law and they're going to make sure that you ... they're going to be asking if you are compliant to the letter of the law.

You just need to document what you need to prove that you are compliant to the letter of the law. I know ... and probably now, everybody wants to hear, and a lot of people have turned to over-documentation and I think that's fine, remember your ... whenever you have a government grant, if it's not documented, it's almost like it didn't happen. I think you just have to be ... you have to prove to any monitoring official and to an OIG auditor that you adjudicated these results and how do you prove that if you don't document it. Yup, and this PowerPoint should be available afterwards, I believe in late July.

**Barbara Reynolds:** Yeah, the slides actually were sent out via email earlier. They will be up in the Knowledge Network as well, along with the audio recording.

**Liz Jung:** Yeah, and we'll update that NSOPW date. What is the best proof to use for initiation dates on FBI and state since many times this is a fingerprint card in the mail? This is actually up to you. Grantees have the ability to define what initiation means to them as long as one document is at beyond getting consent and it's on the path of getting a criminal history check. That could be when you ... maybe when you make the appointment for the fingerprinting, when you ... maybe you make a copy of the fingerprint card or you have the form that someone filled out to get fingerprinted. It's up to you. You have the flexibility actually there to define it but again, it should be defined in your policies and procedures. We got a question from Lei.

We do have documentation for it but want to make sure it's compliant to CNCS standards, especially considering the new process. Just want to make sure. Do you mean by the new process enrollment, new enrollment form. Yes, okay. I mean, I'm just going to go back to what I said earlier. I think you need to document, in order to prove that you've adjudicated this record so I've seen a lot of times like a signature, a date and the reason why this person is not ... either that this person doesn't have any hits or that the person does not match any ... Any of these workers don't match their candidate. All right, we'll wait for one. I see Vivian is typing, we'll wait for her question and then we'll move on. There will be also time for Q and A at the end.

I know method of documentation is left up to grantees but can folks share how they've documented for out of state checks and so they're often initiated by the member. Is that a question that you were asking everyone else? Okay, cool. If people know and they want to share that, go ahead and feel free to answer that in the chat box. All right, we're going to move on. This is our next example. This is going to be a low mitigation rate. This is someone who has access to vulnerable populations. The start date is 12/11/2017. You could see this person has tried really hard but they forgot about criminal history checks because everything was happening.

Orientation is happening, members are coming on board. You guys are busy, totally understand that. You can see an FBI ... FBI and states were initiated one day after the start date. These, actually, even got all their adjudication on that same start date which is great. Then, their NSOPW was also initiated late, it was initiated one day late and was missing Florida. This is going to result in a low mitigation rating and we're going to go back to that flowchart so you guys can see. That first question there is an issuing documentation of the following present? Yeah, they had an issuing documentation for our FBI and state.

We're going to yes and was one of the above initiated before the start of service worker hours? No, we're going to follow the red arrow across that ask for, if any of the checks were present but late and actually yes, all of them were present. Then, the next question is going to be about that sex offender check. Was it present? Yes. Was it adjudicated? Yes but was the adjudicated sex offender check initiated before the start of service worker hours? No, so that's why you're going to end up at low mitigation. All right, so those are my three mitigation matrix examples there. Just kind of created them, just to show you how those flowcharts work in a little bit.

I hope you got a little bit better understanding of how that mitigation matrix also works. Again, we'll try to get these charts out in July, this month. Vendor checks are a huge place for noncompliance but there can be compliant vendor checks. Vendors have to prove so much to be compliant. There's a whole checklist that you should go through, you should talk to your vendor if you use them about whether ... if what they're doing is compliant and one of the big sticking points with vendors is the fact that their data is time limited and so if you're able to find a vendor, where their data is not time limited then you should get that in writing from them. This is just one of the many things that vendors have to do in order to be compliant.

Again, if you're using Fieldprint through the CNCS contract, you're good for the FBI check. Here's another ... some more information about vendor checks. If they only give you a pass or fail adjudication, it has to be on information that's not time based ... that is not time limited and it has to be based on the NSOPW. Again, that state check has to be initiated ... like all the timing still applies so that state checks has to be initiated no later than the first day of worker service and that FBI checks has to be initiated no later than the first day. Everything still applies if you're using a vendor. Let's talk about Accompaniment.

I've mentioned this before and if any of you guys are doing accompaniment, you know that it can be a really big deal. Again, you're doing accompaniment, if you have not gone the results back of an individual so you don't actually know if they're convicted murderer or a sex offender. If by any chance, they are a convicted murderer or sex offender, even if you've done all the checks on time, even if you've been doing accompaniment, that person is ineligible and you have to repay all the cost. If you're doing accompaniment, that is basically when they're in the physical presence of someone who meets the definition of a compliant accompanier. Then, you can see that as soon as you get the FBI checks or the state checks from both states if both are needed and it must be documented.

Let's talk about what a compliant accompanier is. It could be an employee or a representative of the site, that's already allowed access to vulnerable populations by their organization. For example, a teacher already is cleared for access to work with children, someone in a nursing home or any ... or someone who's had a medical facility is already cleared to work with those individuals. It could be a parent or a guardian. It could also be someone who is on the CNCS grant who's already cleared their requirements, their NSCHC requirements. Can it be another AmeriCorps member or a VISTA member?

It can be another AmeriCorps state and national member as long as they clear their background check. The VISTA member is interesting. I haven't gotten that question because VISTA is not ... VISTA is kind of bound by different rules and with different criminal history check procedure. I don't want to give you a definitive because I know ... yeah, so let me get back to you about that, that's a great question. All right, and what is compliant accompaniment documentation? It has to be documented contemporaneously so as it happens. It needs to include the time, the date and the name of the accompanying individual.

You have to have policies and procedures that clearly describes this. I think you can tell, there's a lot that's included in accompaniment. Let's talk about ASPs and Exemptions, if alternative search procedures are a way for grantees to apply ... to do the checks in different ways and we get these pretty regularly. Right now, you can email ASP request at CNS.gov. There is a form to fill out, but you need to know if you have an ASP and you don't follow the ASP and you're a noncompliant, that whole file is noncompliant. If you're a noncompliant but you have an ASP, the monitoring officials should still look at that compliance without regard to that ASP, if you didn't follow it.

Even if you have an ASP but you're not following it then it does not apply. ASP is an alternative search procedure and you can find more info on that on our Knowledge Network. Fieldprint, so Fieldprint is a channeler that's approved by CNCS to provide adjudicated FBI checks. Let me just type that a little bit, what is a channeler? A channeler is a word that I've never seen ever before other than with the FBI, but I think it's where the FBI created, it basically means that they have a channel into the FBI's database and there are about, I think 16 private vendors right now who have access to the FBI database, 15 FBI channelers, Fieldprint is one that we have contracted to provide grantees an adjudicated check.

That means that you ... it's actually really great, you do it online, you ... People can create appointments to get their fingerprints live scanned and then what you get back in return is not going to be the rap sheet. It's going to be basically, green light for cleared, red light for not cleared. If it's not cleared, that doesn't necessarily mean the person is ineligible. What that means is that there could be an arrest or some information that Fieldprint can't clearly adjudicate their information. You can go back to the member or the staff person to say, something came up on your FBI check. Do you have any documentation that proves you're not a convicted murderer or sex offender?

If that's the case, they can still serve. The checks are \$27.50, turnaround time is 48 hours. We get reports from them this past month I think in June. They did about 3,000 checks, 100% of them came back in 48 hours. I know they can

do more than 3,000 checks. If you are not using Fieldprint and you are facing a challenge in any way, use Fieldprint, it is a resource out there for you. Do we have any questions? Ted is giving some answers here so yup, ASP stands for alternative search procedure. If accompaniment was provided and documented but not to the extent asked for, would that be a cost disallowance?

This is the hard part about accompaniment. Everything has to be documented. If you documented everything perfectly ... let's say the person needs to be accompanied for a week, if you documented everything perfectly for six out of the seven days, you're still noncompliant. If you look in the mitigation matrix or in the enforcement guide, sorry, right above the mitigation matrix, you're going to see a little section about accompaniment and basically, there are some conditions that mitigate noncompliant accompaniment. If accompaniment is performed and not documented sufficiently or contemporaneously, it can qualify as mitigated accompaniment.

If it's not documented sufficiently or contemporaneously, you have to prove that your program model showed that accompaniment is a standard process. You can read more about that on page six in the enforcement guide. I've got some questions coming up here. Aaron says, if I'm not mistaken one of the benefits of Fieldprint is that the results go back directly to the program not the member, is this correct? I believe both people will see the results. The member can see that they've been cleared and that the organization also see that you've been cleared, unless has someone gotten a different experience than that? Again, they're not going to get their whole rap sheet.

They're just going to get basically green ... or yes, red for no. We've got another question, if a program has additional disqualification criteria above and beyond CNCS requirements such as grand theft, will Fieldprint provide more information than the adjudicated result? Unfortunately, no. You will ... Fieldprint is actually legally not able to give the grantees the actual whole rap sheet. They can only give that adjudication and termination. You can ask them for ... You can look at your state check for more information or you can run a new check. Let's see, are the disallowances per member? Yes. If you have five noncompliant members, it's going to be five times whatever the mitigation rate is.

If you have a thousand noncompliant members, it's going to be a thousand times whatever the mitigation rate is. I've got, in California, we use a local vendor for fingerprint, live scan which checks FBI but can Fieldprint be used to get state of residence checks? Something I'm going to push back on you Vivian and ask, why don't you use Fieldprint, to get your FBI checks, why do you go to a local vendor? Then, Fieldprint ... again, if you guys want to be using a vendor, I don't know what Fieldprint states checks are like but if you're going to use a vendor, I strongly, strongly, strongly suggest to you to look at that vendor checklist on the Knowledge Network page. It goes through almost like 20 questions about what vendors need in order to be compliant.

I'm sad to ... I hate, it's a bad news but basically, if you are using a vendor to help you with their compliance, but then you see checks from the vendor that are not compliant, you're not compliant and you're still going to be responsible. Regardless if you do checks personally or if you have a vendor do it, the disallowance is going to end up with the grantee. Let's talk about fear and fraud. I know we just went through the mitigation matrix and we just talked about disallowances and we talked about the real financial consequences of not doing your criminal history checks correctly. I know it can be very scary for grantees and it has this really unfortunate, unintended consequence of fraud.

I just want to reiterate that fraud is never worth it. It's never worth it. You would always, always rather pay the disallowance than be investigated for a fraud and it happens. It happens at least ... it happens once a year for the past two years that I've known about. It often happens with the NSOPW people are ... they run it late, they're scared so they will doctor the document and we can often always tell. Whenever there is an instance of fraud, we immediately report that to the OIG, the Office of Inspector General. They will open an investigation. I've heard of instances where grants are lost or money is paid back where people have lost jobs or people lose their programs.

Fraud is never ever worth it, it's hard to be down right there. Let's go back to the check box here. We've got a question from Vivian. When we do checks personally for state, some states have an online name based search and a fingerprinting process. Do we need both or can we do the online name checks? Again, you want to make sure you're going to the correct state repository. We have a list of the CNCS approved state repository on the Knowledge Network. It does not matter to us whether it's a name or a fingerprint check, you just need to get one of those. All right. Let's step back again and talk a little bit about why we do this and why there are penalties associated with not doing it. It's really because of safety.

You never want to be in a situation, CNCS never wants to be in a situation where we have exposed our communities to someone who has been convicted of murder or registered or required to be registered of a sex offense. It's dangerous and not a good look. It's not something we should ever ... something we should ever be having to deal with, which is why again, it's so important to create that culture where abuse is discussed because a lot of times these crimes

can happen because ... Sex offenses can happen because a sex offender isn't caught yet. If you create a culture where they know they are not welcome and people are training to report what they see then, hopefully, they will not apply to your program.

You will not get them in your program. Again, when you're thinking about creating a safety program within your organization just be thinking about your mission and your individual activities, what's appropriate for you guys and how do you make sure that fits with your culture and the language of the beneficiary served by your organization. Think about your insurance requirements. Again, no need to reinvent the wheel, there are ton of resources out there. Just think about state and national law, if you don't want to violate any of them by ... yeah, you don't want to violate any of them. We've got another ... we have another question here.

In California our account is set up through the Department of Justice and all of our live scans have FBI included. Yup, I believe that's the appropriate pay repository for California. All right. What are some resources to support you? I talked about our Knowledge Network quite a bit. There's a link at the bottom of the page there. You can also go to our home page or also, I just Googled CNCS, CHC or NSCHC, it comes up, you're going to get information there about ... the E-course said it's required annually. FAQs which is prior or most comprehensive document. You're going to find resources on our states, on how to do the state checks, FBI checks, the lovely enforcement guide is up there as well and then the vendor guide is another checklist.

Of course, reach out to your program officer for any questions that you have. We've got a question, if our internal policies state that all background checks will be reviewed and checked, is this considered adjudicated or do we physically need to write on the results? I would still document that each result has been adjudicated on this check or on a different form.

**Barbara Reynolds:** You can't just show that you did it, and just that you intend to do it.

**Liz Jung:** Yeah, exactly. All right, guys, we've had excellent questions come through the chat throughout this presentation but now, let's just open it up, what do you got for me? Yeah, Meredith, strongly suggests you sign the document. Exclamation mark and a smiley face, agreed, agreed, agreed. Wondering if adjudicating is accomplished with a determination form. I don't know what your determination form is or looks like, but as long as it shows that you've cleared someone and that you've documented that, I think you should be okay. Again, you just have to document that you've adjudicated someone for service and cleared them for service.

Fieldprint is the only a vendor that you can use? Fieldprint is the only vendor that CNCS has a contract with to do the FBI checks. CNCS is not aware of any other vendor who is 100% compliant in 100% of our requirements. We know that Fieldprint is completely compliant with the FBI requirement. Using vendors are ... you can use vendors there at your own risk and there are huge point of noncompliance. Again, if you're going to use a vendor, look at that vendor checklist to make sure that they can answer all of those questions to you in writing and if they abide to that. Do you only use Fieldprint when the state doesn't provide FBI checks?

You can use Fieldprint whenever you have ... You can use Fieldprint if you come across any challenge in getting your FBI check. That can mean, it takes a really long time. It's really hard to adjudicate. It's way more expensive maybe. Yeah. Any challenge you have getting your FBI check, you can use Fieldprint. Sorry guys, if you haven't been able to hear me. I'm closer to the phone so hopefully you can. A lot of school districts use Fieldprint but the fee is a lot higher but if you don't go through the specific district, they will not accept the fingerprint clearance. You are allowed to accept clearances.

It's one of the pre-approved ASPs, which is on the Knowledge Network, there are about six of them. You can accept a clearance letter, you have to have certain documentation with that letter. Sorry, guys. I hope this audio is okay. Can accompaniment be documented via notation on a time card? Time cards are a place that we feel a lot of documentation for accompaniment but again, you got to make sure that you have everything that's required on it. Again, it needs to be done contemporaneously, I think the person ... I think the best practice is if that person signs off on it, the accompanier signs off on it.

All right. I hope to see you guys at Symposium. I will be there. We will have a different training. We're going to dive into some different topics. Hopefully we have some good exciting news for you. Other than that, thank you guys so much. I really appreciate it.

**Barbara Reynolds:** Great. Hey, this is Barbara again. Thank you Liz. We are going to go ahead and wrap up for today's presentation. Thank you so much for all of the wonderful questions. I know I heard Liz say more than once, "That is an interesting question. I will have to check it out." Whenever you can stump the expert, I think that is a good, good day on the webinar. I want to just ask you if you could take a minute and if you will, please take a minute to give us some

feedback on today's presentation. As I said at the beginning, we conduct these on a regular basis and we definitely want to improve to best meet your interest and your needs.

The link to the evaluation form for today's session is posted on the slide and it's also in the web links box that you should see on your screen. You should be able to do just click right on that and go into the survey now. Please take a second to do that, if you would. As Liz said, the recording for today will be on the Knowledge Network in probably about a week so about seven calendar days. Please join us or have your staff join us in two weeks for the next program development or program staff training. It is going to be all money, all hour long, looking at financial grants management and all of the great things to do to build a strong foundation.

That's what we'll be doing in a couple of weeks. I want to again, thank you, thank Liz very much for your time and your expertise and thank all of you guys for logging on. We know there's a lot to talk about and think about today, we hope it is super useful. Again, thank you so much and have a good rest of your day.