

Commission on National and Community Service

Criminal Background Check and How to be in compliance

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Criminal Background Check




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Requirements

All employees, participants, and others who receive a salary, national service education award, living allowance, or stipend under Corporation grants, even if the activities don't involve service with vulnerable populations, must conduct the checks prior to beginning employment or service. Three checks required are:

- NSOPW
- State Check
- FBI Check




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Disallowance

Effective April 1st, 2017, disallowance must be issued following the matrix below:


NSCHC MITIGATION MATRIX		
Disallowance for each individual for whom	Self-Reporting	Standard Disallowance
High Mitigation is present	\$250	\$500
Moderate Mitigation is present	\$500	\$1,000
Low Mitigation is present	\$750	\$1,500

<https://www.nationalservice.gov/CHCEenforcement>  Commission on National and Community Service

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Disallowance


Effective April 1st, 2017, the Commission must expand the scope of review if we discover two or more individuals' NSCHC checks are noncompliant in a single monitoring activity.

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NSOPW Common Issues

- Timeliness
- Incorrect spelling
- Using a 3rd party vendor


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NSOPW Compliance using a Vendor Report

If you use a vendor to search the [NSOPW](#) website, you must:

1. Ensure that your contract with the vendor requires the vendor to perform a nationwide search of the [NSOPW](#), and requires the vendor to have a procedure to obtain data from individual states if the state's sex offender registry data is temporarily unavailable through the [NSOPW](#);
2. Maintain the report of the [NSOPW](#) check provided by the vendor to document the timely completion of the [NSOPW](#) component; and
3. If your vendor does not provide copies of the screenshots or printouts from [NSOPW](#) result, your contract with the vendor must specify that no person who is registered or required to be registered as a sex offender will be considered to have cleared the check.




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State Checks Common Issues

- Timeliness
- Using a non-approved vendor
 - Currently Approved Channeler / Repository / ASP:
 - NYS DCJS (Division of Criminal Justice Services)
 - NYS OCA (Office of Court Administration)
 - PETS
 - Go Pass (for NYC only)
- Continuous monitoring for members from prior year




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FBI Checks Common Issue

- Timeliness
- Using a non-approved vendor
 - Currently Approved Channeler / Repository / ASP:
 - Fieldprint
 - PETS
 - Go Pass (for NYC only)
- Continuous monitoring for members from prior year



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Useful Materials

NSCHC in NYS
<https://www.nationalservice.gov/documents/2017/national-service-criminal-history-checks-new-york>

Check List for review
https://www.nationalservice.gov/sites/default/files/documents/nschc_component_assessment.pdf


CNCS Enforcement Guide
<https://www.nationalservice.gov/CHCEnforcement>



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Alternative Search Procedures (ASP)



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Alternate Search Procedure & Exemption Guidance

Grantees that comply with the National Criminal History Check requirements do not need to request an alternative search procedure (ASP) or exemption.

However, programs can apply to CNCS for ASPs under these conditions:

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




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Pre-Approved ASPs

CNCS has approved a number of ASPs that can be used to comply with Criminal History Check requirements without additional written approval from CNCS:

- Ceasing Accompaniment
- Maintaining Clearance Letters in Lieu of Actual NSCHC Results
- Unreadable Fingerprints Rejected during Departmental Order FBI Checks
- Prohibited by State Law from Maintaining Results or Sharing Results




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Pre-Approved ASPs

- NSOPW Compliance using a Vendor Report
- National Fingerprint File (NFF)
- Alternate Search Procedures (ASP) and Exemptions
- <https://www.nationalservice.gov/ASPEmptionsGuidance>



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Latest Update

Effective September 24th, 2018, 20 states that participate in the National Fingerprint File (NFF), the following state check can be waived if a FBI check is completed for the member / staff.

Colorado	Idaho	Minnesota	New Jersey	Oregon
Florida	Iowa	Missouri	New York	Tennessee
Georgia	Kansas	Montana	Ohio	West Virginia
Hawaii	Maryland	North Carolina	Oklahoma	Wyoming

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



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Repositories that are not yet approved:

- The Justice Center for the Protection of People with Special Needs (Justice Center)
- MorphoTrust
- IdentiGo

While you await a decision regarding your ASP, staff and/or volunteers can serve as long as they are accompanied by another volunteer or staff member that has already completed the criminal history check process. If the volunteer or staff member does not ultimately pass the check, any funds used to compensate them for their time cannot be charged to CNCS.