



## Background Check (NSCHC) Policy and Procedure

Each AmeriCorps program operating under the South Carolina Service Commission's portfolio is responsible for creating and strictly adhering to their NSCHC policy and procedure to fit the unique traits of their organization. It is highly recommended that this document be used as a template. Although Commission Staff review this policy before the program year begins, it is the responsibility of the Program Director to ensure that the procedure satisfies all required elements of the National Service Criminal History Check.

### Background Checks:

There are **FOUR** search requirements for all Covered Individuals serving under an SC Commission grant.

1. **A National Sex Offender Public Website (NSOPW) check** – <https://mytruescreen.com>
  
2. **State Check(s) – Truescreen**
  - a. STATE OF SERVICE: A search (by name or fingerprint) of the state criminal history registry for the state in which the program operates. Additionally, the South Carolina Law Enforcement Division check will be completed for each applicant. <https://mytruescreen.com>
  - b. STATE OF RESIDENCE: The state in which the applicant resides at the time of application (if different than above). The applicant's residence is specifically defined below.
  
3. **An FBI fingerprint-based check**

South Carolina grantees are unable to use the designated state repository (SLED) to conduct the FBI component of the NSCHC. Therefore, South Carolina Grantees will utilize the FBI Channeler Fieldprint to conduct FBI Checks, unless the SC Service Commission and CNCS approve an alternative method. <https://fieldprintcnscs.com/>

Information on using Fieldprint can be found [here](#).
  
4. **Central Registry of Child Abuse and Neglect check**

A search by legal name of the state central registry of child abuse and neglect will be completed for the state of residence and for all states lived within the last 3 years as outlined in the resident address applicant's application. In South Carolina, the central registry of child abuse and neglect is monitored by the Department of Social Services. <https://dss.sc.gov/>

All NSCHCs conducted must be done so without the use of any expiring Alternative Search Procedures (ASPs). Expiring ASPs include CNCS pre-approved ASPs, as well as an individual program approved ASP.

<https://www.nationalservice.gov/sites/default/files/documents/Pre-Approved%20ASPs%20052120.pdf>

**The SC Commission should be notified whenever an applicant is found to be ineligible to serve.**

**Arrests vs. Convictions:** The requirements do not disqualify applicants on the basis of the arrest. In certain states, there are legal constraints on how arrest record may be considered, and some statewide criminal repositories do not include arrest information in the records they release. Recipients should recognize that they have a dual status under the Civil Rights Act of 1964, depending on the nature of their relationship with a candidate.

Programs, because they get federal financial assistance, must comply with the Civil Rights Act of 1964 and its implementing regulation. These regulations prohibit discrimination, including the selection and placement of volunteers and members, on the basis of race, color, and national origin, in CNCS-funded programs and activities. And as employers, recipients must also comply with Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment decisions. The Equal Employment Opportunity Commission (EEOC) has issued guidance explaining when consideration of arrest and conviction records violates Title VII.

As the EEOC guidance outlines, recipients should be mindful that arrests alone are mere allegations, and that actual criminal convictions, or actual evidence of conduct underlying an arrest, are the relevant indicators of a person's fitness, or in some cases, eligibility, to serve with, or work for, a CNCS grant recipient. Recipients should make sure that their screening practices are narrowly tailored in a manner that complies with these federal nondiscrimination requirements, in addition to applicable state laws governing the consideration of criminal history records.

**Non-Disqualifying Convictions:** With the exception of sex offenders and those convicted of murder (see above), the program has the discretion, subject to any federal civil rights law and state law requirements, to decide whether or not the results of a criminal history background check disqualify an individual from service. Grantees should consider the factors set forth in the EEOC's guidance under Title VII ([http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)), including the nature and gravity of the offense, the time that has passed since the conviction or completion of the sentence, and the nature of the position.

The South Carolina First Steps AmeriCorps Program will align with AmeriCorps disqualifying convictions. Results of background checks will be assessed for the nature and gravity of the offense and the time passed since the conviction or completion of the sentence. **Convictions of violent crimes as described in the SC Code of Laws 16-1-60 will result in disqualification. Local Partnership guidelines for disqualifying convictions will be considered prior to a position offer. If an applicant is listed on any states' central registry for child abuse and neglect, then they will not be allowed to serve in the South Carolina First Steps AmeriCorps Program.**

In addition, the program should be aware of federal reentry policy, which seeks to minimize unjustified collateral consequences on formerly incarcerated persons. Participation in National Service programs funded by CNCS can aid the successful reentry of formerly incarcerated persons into society.

Therefore, barriers to participation in National Service programs for those formerly incarcerated persons who are not statutorily ineligible to serve should be minimized as much as possible without putting program beneficiaries at genuine risk.

**Whistleblower Protection:** Members, program staff, sub-site supervisors or other related parties should contact the Director of the SC Commission on National and Community Service to report perceived or actual instances of noncompliance concerning the NSCHC and SC Regulations, or knowledge of any Covered Person's ineligibility to serve or work under a CNCS grant. Said parties should not fear retribution at their service or workplace due to these reports.

## **Procedure for Conducting the NSCHS Background Checks:**

### **Step 1: Notification**

Upon submitting an offer of enrollment email to a qualified applicant, the program will provide instructions requiring the applicant to complete the Truescreen registration process and schedule to be fingerprinted at a Fieldprint location as a contingency for accepting the offer of enrollment. The program will use the requested copy of the Covered Individual's government-issued ID from the application.

### **Step 2: NSOPW and State Checks via Truescreen**

Truescreen (NSOPW and state checks) must be **completed before the Covered Person's first day of service or work** (defined as the member's start date listed in eGrants). The AmeriCorps Program Coordinator will send an email with all required information to perform the check once applicant has been interviewed by the ECAC, Local Partnership, and/or 4K (contingent upon the applied position).

### **Step 3: FBI Fingerprint-based Check via Fieldprint**

The Fieldprint check must be **completed/adjudicated prior to the first day of service**. Information to initiate the check will be provided to the candidate once interviewed by the ECAC, Local Partnership, and/or 4K (contingent upon the applied position). As part of the Member Enrollment process, the program must certify the initiation of the FBI fingerprint-based check on the eGrants online Enrollment Form. **If an applicant misses their appointment and still desires to participate in the program, the applicant will assume the cost of \$17.50 per subsequent Fieldprint appointments.**

### **Step 4: Central Registry of Child Abuse and Neglect via DSS**

The Central Registry of Child Abuse and Neglect check **must be completed prior to the first day of service**. Information to initiate the check will be provided to the candidate once interviewed by the ECAC, Local Partnership, and/or 4K (contingent upon the applied position). Applicant must provide residential addresses for locations lived 3 years prior to applying. If applicant has lived in states other than South Carolina, those states' child abuse and neglect registry will be searched prior to an applicant's receipt of an official offer to serve.

*Updated August 2020*