

DESIGNING AND USING SCREENING PROCEDURES

KNOW THE OPTIONS

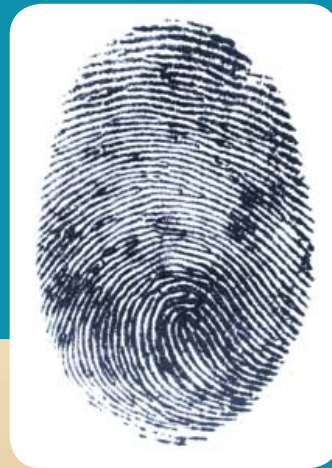


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INTRODUCTION

Managing the risks associated with running a nonprofit organization is a complicated venture. One of the ways to do so is to implement protocols and procedures to screen staff and volunteers effectively and efficiently. The goal of this publication is to look at the screening process, discuss the legal issues related to screening, describe the screening requirements of the Corporation for National and Community Service (CNCS), and provide some tools and resources to assist you.

Screening isn't everything, however. Nonprofit organizations must continue to be vigilant in providing training, oversight and support to their staff and volunteers in order to ensure the continuation of the important work they do in the State of Maine. This publication is geared toward Maine nonprofit organizations, but much of the content is translatable to any location.

SCREENING PROCESS

Before we begin discussion of the actual screening process, it is important to understand the context in which it arises. It is much more than just a criminal history check.

Screening is used to minimize risks associated with having the wrong person in the wrong assignment. Screening helps to identify individuals who would create an unreasonable risk if they were providing services to vulnerable populations as well as individuals who don't have the necessary skills or abilities to do the work required by the volunteer assignment. It can eliminate potentially dangerous applicants and help place applicants in the right job.

Screening protocols must integrate with the mission of your organization. You may work with an at-risk population that would benefit from the mentoring of a person with a criminal background that might otherwise eliminate him or her from consideration. This is not a one size fits all type of endeavor. A matrix is included with this material at page 27 to serve as an example of one organization's screening protocols. This matrix can be adapted to the unique needs of your organization.

Not all positions require all of the screening procedures. The Nonprofit Risk Management Center, in its publication *Staff Screening Tool Kit, Third Edition*, at page 7, recommends screening elements required for certain types of positions. It is reprinted here for your use.

RELATIONSHIP OF POSITION REQUIREMENTS TO SCREENING ELEMENTS

Position Requirements	Position Description	Application	Orientation Interview	In-Depth Interview	Reference Checks	Motor Vehicle Records Check	Criminal History Records Check	Psychological Tests	Medical Tests	Home Visit
Unsupervised contact with vulnerable client	X	X	X	X	X	X	X	X	x	X
Access to confidential client information	X	X	X	X	X	X	X	X	x	x
Transportation of vulnerable clients	X	X	X	X	X	X	X	x	X	x
Handling organization's or client's funds	X	X	X	X	X	x	X	x	x	x
Long term contact with vulnerable client in live-in situation	X	X	X	X	X	X	X	X	X	X
Extreme physical exertion in remote setting with children	X	X	X	X	X	X	X	x	X	x
Visit to clients' homes	X	X	X	X	X	X	X	x	x	X
Supervised client contact in groups, public setting	X	X	X	X	X	x	X	x	x	x
Helping clients change clothes, bathe, or with other personal activities	X	X	X	X	X	X	X	x	x	x
Coaching sports in which physical contact between adult and child is routine	X	X	X	X	X	X	X	x	x	x
Delivery of meals to clients homes	X	X	X	X	x	X	X	x	X	x

KEY: The bigger the x the more important the element in the screening process for that kind of position.

The Nonprofit Risk Management Center, Staff Screening Tool Kit, Third Edition, p.7



POSITION DESCRIPTIONS

You should have a position description for every position. The process of writing the position description will help the organization focus on the kinds of information it will need in order to get the right person for the position. It will help you identify reasonable accommodations to enable a person with a disability to perform the essential functions. It also sets out the criteria against which the qualifications will be judged in a fair and impartial manner. A good position description serves the dual purpose of selecting the right candidate and weeding out the ones who might pose a risk to the organization.

As you begin to write the position description, analyze it to determine the following:

- **Purpose** – the reason for the position. What are the contributions of this position toward the accomplishment of the overall objectives of the organization?
- **Essential Functions** – the tasks or duties that are fundamental and critical to the performance of the position. It is helpful to describe the purpose and results of the essential functions (what needs to be accomplished) rather than how the function must be performed.
- **Marginal Functions** – those activities that are seldom or intermittently performed. The position does not exist to perform these functions and their removal would not fundamentally alter the nature, purpose, or result of the essential tasks to be accomplished by the candidate.
- **Setting** – the work station and/or conditions where the essential functions are to be carried out. Ask yourself if the setting is compliant with ADA requirements. If not, what accommodation can be made to bring it into compliance or to change the setting.
- **Qualifications** – the minimal skills an individual must possess to perform essential functions. Do the qualifications define the skills required to perform the essential functions and not the person who performs them?

At a minimum, each position description should include the following elements:

1. Position title
2. Immediate Supervisor name and title, phone and email
3. How does the position fit into your mission – the main purpose of this position
4. Location where service will be performed
5. Physical requirements of position
6. Major job activities/key responsibilities – essential functions
7. Machines, tools, electronic devices, communication devices, software and other tools typically used to accomplish the tasks of this position
8. Minimum qualifications – skills, knowledge, and ability
9. Special conditions of service (if any)
10. Date description was prepared

A sample position description is included with these materials at page 24 for your reference.

APPLICATIONS

The Application does not just provide you with the information you need about the candidate. If constructed properly, it also provides the potential candidate with enough information to decide whether or not he or she is qualified.

A good application should contain the following sections, at a minimum:

1. Applicant's identification – i.e. name, addresses, etc.
2. Qualifications
3. Experience
4. Criminal History
5. References
6. Consent to do background check
7. Signature/Date

A sample Volunteer Application is included with these materials at pages 25-26 for your reference. This sample application is borrowed from The Nonprofit Risk Management Center, in its publication *Staff Screening Tool Kit, Third Edition*, at page 55.

INTERVIEWS

Interviews go both ways. They provide the agency an opportunity to gather more information about a candidate, and they provide the candidate with an opportunity to learn more about the agency. A placement decision should not rest entirely on an interview, however, because some candidates may not have good interview skills, and others – while having great interview skills – may as a result be able to avoid topics they don't want to discuss in depth.

Listed below are some questions the Nonprofit Risk Management Center has suggested in their publication *Staff Screening Tool Kit, Third Edition*, at pages 63-65 for dealing with personal prejudices, criminal history, and driving history:

1. Can you tell me about any experiences you may have had working with members of minority groups?
2. Have you ever had a negative experience with a member of a particular ethnic group?
3. Have you ever been convicted of a criminal offense, including criminal driving violations?
4. Are you required by either federal or state law to register as a sex offender?
5. Have you ever held a position in which you were required to be bonded and the bond was refused or revoked?
6. Have you ever been convicted of driving under the influence of alcohol or other drugs?
7. Have you received any traffic tickets or had any automobile accidents in the past two years?
8. Describe the kind of driver you are.
9. Do you currently own an automobile? It is licensed and insured? Who is your insurance company?

Many questions commonly asked of job applicants may be unlawful because they require applicants to provide information that potentially can result in illegal discrimination. Any inquiry that is not job-related may be unlawful if it has an adverse impact on a protected group.

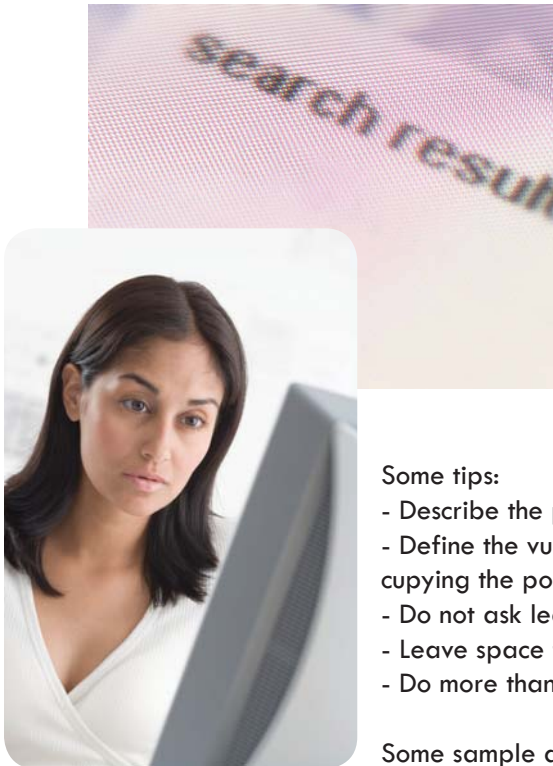
The following chart can help ensure you make appropriate inquiries when seeking information from applicants. Keep in mind that employers may be entitled to data in many areas discussed below, but only after the employee has been hired. For example, requesting an applicant's age may lead to claims of age bias if the applicant is not hired, while requesting such information for insurance purposes after an applicant is hired may be perfectly acceptable.



SUBJECT	DO NOT ASK	YOU CAN ASK
NAME	Inquiries about name which would indicate applicant's lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. Inquiries about preferred courtesy title: Miss, Mrs., Ms.	"Have you worked for this company under a different name?" "Is there any additional information relative to change of name, use of an assumed name or nickname necessary to enable us to check on your work and educational record? If yes, explain."
AGE	What is your date of birth? What is your age? List your high school graduation date.	If hired, can you provide proof that you are of legal age?
RESIDENCE	Do you own or rent your residence? How long have you resided at that address? What was your former address and how long did you reside there?	What is your present address?
RACE/COLOR		None.
RELIGION		None. (If you need to know that an applicant is available to work Saturday or Sunday shifts, ask: "Are you available to work on Saturdays or Sundays, if needed?" If you plan on using this question, make sure you ask this question of all applicants.)
SEX		None.
PHOTOGRAPHS	Submit a photograph with your application form or after the interview.	A photograph may be required only after hire for identification or other ID purposes.
CITIZENSHIP		Do you have permission to live and work in the United States? No other questions may be asked unless U.S. citizenship constitutes a bona fide occupational qualification.
NATIONAL ORIGIN/ ANCESTRY	What is your lineage, ancestry, national origin, descent, parentage, or nation-ality? What is your native language? What is the nationality of your parents and spouse?	What languages do you read, speak, or write fluently? (Note: This may only be asked if another language is necessary to perform the job.)
HEIGHT AND WEIGHT		None, unless height and weight constitute a bona fide occupational qualification.
ARRESTS AND CON- VICTIONS	Have you ever been arrested? Have you ever been charged with any crime?	Have you been convicted of any crime? (If the application form asked for information on convictions, the employer should indicate that a conviction itself does not constitute an automatic bar to employment, and that the seriousness of the crime and date of conviction will be considered.)
MARITAL OR FAMILY STATUS	What is your marital status? What is your spouse's name? What was your maiden name? How many children do you have? Are you pregnant? Do you plan to have children? What day-care provisions have you made for your children?	None. (An employer may ask all applicants, male and female alike, if they have any commitments or responsibilities that might prevent them from meeting attendance requirements or if they anticipate lengthy absences from work.)
MILITARY RECORD	What type of military discharge did you receive? Were you ever disciplined while in the service?	Are you a veteran of the Armed Forces? (Note: This question should only be asked if it has relevance to a particular job opening and an applicant's veteran status is relevant to the job.)

SUBJECT	DO NOT ASK	YOU CAN ASK
ORGANIZATIONS	List all social organizations, clubs, societies, and lodges to which you belong.	List any professional, trade, or service organizations in which you are a member. (Note: This question should only be asked if it is relevant to the job.)
REFERENCES	What is the name of your pastor, minister, or rabbi?	Who referred you for a position here? List the names of persons willing to provide professional or character references for you.
DISABILITIES	Are you disabled?	Are you capable of performing the essential functions of the job—with or without reasonable accommodations?

Note: Questions relating to marital status, children, and similar issues which potentially could be used in a discriminatory manner, but may be necessary information for insurance or other reporting requirements, may be obtained only after an employee has been hired. Other questions, such as race, may be asked by having the applicant anonymously fill out an optional “tear-off” sheet that would be separated from the employment application and not used in the selection or hiring decision. Copyright (c) 1992 by The Bureau of National Affairs, Inc.



REFERENCES

Applicants are often asked to give references. Whether verifying such references is covered by the Fair Credit Reporting Act (FCRA) depends on who does the verification. A reference verified by the employer is not covered by the Act; a reference verified by an employment or reference checking agency (or other Credit Reporting Agency) is covered. Section 603(o) provides special procedures for reference checking; otherwise, checking references may constitute an investigative consumer report subject to additional FCRA requirements.

Some tips:

- Describe the position clearly to the person giving the reference.
- Define the vulnerability of the participants with whom the volunteer occupying the position will work
- Do not ask leading questions
- Leave space for open comments by the person giving the reference
- Do more than one reference check

Some sample questions to use when checking references:

1. In what capacity have you known the applicant, and for how long?
2. What strengths would this person bring to the position?
3. How does the candidate handle frustration and criticism?
4. Do you know any reason why this person should not be considered for the position?



ADA GUIDELINES FOR INTERVIEWERS

There are some special considerations raised by the Americans With Disabilities Act (ADA) that apply to both the interview and the reference checking part of screening volunteers.

INQUIRIES YOU CANNOT MAKE

These are examples of questions that cannot be asked in interviews or during reference checks.

- DO NOT ask questions about whether the individual has a current disability or a past disability.
- DO NOT ask whether the individual has any serious illness (such as Hepatitis), back problems, a history of mental illness or any other physical or mental condition.
- If the individual has a disability that is obvious to the interviewer (such as an applicant that is missing a limb or uses a wheelchair), DO NOT ask questions about the nature or severity of the applicant's disability.
- DO NOT inquire how the individual became disabled or the prognosis for the applicant.
- DO NOT comment in any way on the individual's physical condition except as described below.
- DO NOT ask whether the individual wears a hearing aid or needs to wear glasses while on the job.
- DO NOT ask questions about the applicant's past on-the-job injuries.
- DO NOT ask about the applicant's medical problems by requesting the applicant to identify if he or she has or has ever suffered from a list of ailments, such as: Diabetes, Hepatitis, Heart Conditions, Arthritis, Back Problems, Migraines, Ulcers, Visual Problems, and Hearing Problems.
- DO NOT ask whether the applicant has ever been treated for any mental condition.
- DO NOT ask applicants to list any conditions or diseases for which they have been treated in the past.
- DO NOT ask whether the individual has ever been hospitalized and, if so, for what condition.
- DO NOT ask whether applicants have had a major illness in prior years, or whether they have any current illnesses.
- DO NOT ask whether the applicant has ever been treated for drug addiction or alcoholism.
- DO NOT ask how many days the applicant was absent from work last year because of illness.
- DO NOT ask whether applicants are taking or have been taking any prescribed drugs.
- DO NOT ask whether applicant has a sexually transmitted disease, such as HIV.
- DO NOT ask whether an applicant has ever requested and/or received assistance or assistive devices in performing past jobs.
- ♦ DO NOT inquire about an applicant's past or current need for or receipt of medical or disability benefits.
- ♦ DO NOT ask about an applicant's past drug use or alcohol use.
- ♦ DO NOT ask any questions regarding whether an applicant is or ever has been a drug addict or an alcoholic.
- DO NOT ask whether the individual has ever filed a workers' compensation claim.
- DO NOT ask whether an individual has ever been found to be disabled.
- DO NOT ask whether the individual has a spouse, children or other friends with disabilities.
- DO NOT ask about problems the individual has had because of a disability.
- DO NOT ask questions of applicants with disabilities that you do not ask of other applicants, except as described below.
- DO NOT ask whether the individual has any disabilities or impairments that may affect performance in

the position.

- DO NOT ask whether the applicant has any physical defects that preclude the applicant from performing certain kinds of work, or ask the applicant to describe such defects or specific work limitations.

INQUIRIES YOU ARE PERMITTED TO MAKE

These are questions you may ask in interviews or during reference checks if they are asked of all persons applying for a particular category of job, regardless of disability.

- YOU MAY ask whether the individual needs any reasonable accommodations or assistance during the hiring or interviewing process.
- YOU MAY ask about the individual's ability to perform essential job functions.
- YOU MAY give the individual a copy of the job description that identifies all essential functions and ask whether the individual is able to perform all of those essential functions with or without a reasonable accommodation.
- YOU MAY describe the job and ask whether the individual can perform those functions.
- YOU MAY ask about current use of illegal drugs or current alcohol use.
- YOU MAY state the organization's standards and expectations and ask if the individual can meet those standards. For example:
 - YOU MAY state the organization's drug policy;
 - YOU MAY state the organization's standards for on-the-job alcohol consumption;
 - YOU MAY state the organization's smoking policies;
 - YOU MAY state the organization's standards for attendance, including the availability or lack of availability of leave for newly hired employees;
 - YOU MAY state the performance standards and expectations for a particular position.
- YOU MAY ask questions about any of the qualifications that the organization requires for the position, including: Education, Experience, Licenses, Training, Basic Reading and Writing Skills, Mathematical Skills, and Other minimum qualification standards set by the organization and determined by the organization to be defensible that do not expressly relate to physical or mental conditions (such as participation in apprenticeship programs).
- YOU MAY ask about the individual's attendance at prior jobs, if the question is limited to days off or number of days late for any reason, and is not limited to days missed due to illness.
- YOU MAY ask whether the individual has ever been involved in an accident on-the-job that injured co-workers or members or the public.
- YOU MAY ask about an individual's accident record, especially accidents involving injury to property (such as traffic accident history for persons who will do driving) if you avoid questions about the individual's own injuries.
- YOU MAY ask an individual how he or she could perform tasks, and with what accommodations, if the applicant indicates that he or she can perform the tasks with an accommodation.
- YOU MAY ask an individual to voluntarily disclose whether he or she has a disability if, and only if, the organization is a federal contractor with obligations under the Rehabilitation Act, has affirmative action obligations under state law, has a voluntary affirmative action program for persons with disabilities, or if you are otherwise instructed that you may do so for reasons relating to federal funding of programs.



CRIMINAL HISTORY BACKGROUND CHECKS – ADULTS

COUNTY RECORDS

Criminal history record searches at the county level are likely to be both the most complete and the most up-to-date. Unfortunately, there is no easy way to gather these records without using an on-line private service provider to do so. Each county's criminal records are open to the public, but many require an in-person search. The on-line providers have employed people who go out to the counties and gather this information, then put it on the database provided to the subscriber. On-line providers will be discussed in detail later in this section. Not all county information is forwarded to either the state or the federal level, and is dependent on local rules and custom.

Following is a list of all Maine county offices, their addresses and telephone numbers, as well as Superior Court clerk contact information. If you have received information from a state or federal records check that raises a red flag, you may want to contact the county directly or use an online service to be sure you have the most complete and up-to-date information on the potential candidate.

COUNTY AND CONTACT	COUNTY AND CONTACT
Aroostook County 144 Sweden Street, Suite 1 Caribou, Maine 04736 (207) 493-3318 FAX (207) 493-3491 doug@aroostook.me.us Superior Court clerk Vickie Harris (207) 498-8125	Piscataquis County 159 East Main Street Dover-Foxcroft, ME 04426 (207) 564-2161 FAX (207) 564-3022 Superior Court Clerk Lisa Richardson (207) 564-8419
Somerset County 41 Court Street Skowhegan, ME 04976 (207) 474-9861 FAX (207) 474-7405 Superior Court Clerk Wendy Robinson (207) 474-5161	Penobscot County 97 Hammond Street Bangor, ME 04401 (207) 942-8535 FAX (207) 945-6027 Superior Court Clerk Penny Reckards (207) 561-2300
Hancock County 50 State Street, Suite 7 Ellsworth, ME 04605 (207) 667-9542 FAX (207) 667-1412 Superior Court Clerk Terry Harding (207) 667-7176	Franklin County 140 Main Street Farmington, ME 04938 (207) 778-6614 FAX (207) 778-5899 Superior Court Clerk Vicki Hardy (207) 778-3346
Oxford County 26 Western Avenue South Paris, ME 04281 (207) 743-6359 FAX (207) 743-1545 Superior Court Clerk Gladys Howard (207) 743-8936	Waldo County 39-B Spring Street Belfast, ME 04915 (207) 338-3282 FAX (207) 338-6788 Superior Court Clerk Terri Curtis (207) 338-1940
Cumberland County 142 Federal Street Portland, ME 04101-4196 (207) 871-8380 FAX (207) 871-8292 Superior Court Clerk Sally Bourget (207) 822-4109	Kennebec County 125 State Street Augusta, ME 04330 (207) 622-0971 FAX (207) 623-4083 Superior Court Clerk Michele Lumbert 207-624-5800

COUNTY AND CONTACT	COUNTY AND CONTACT
Knox County 62 Union Street Rockland, ME 04841 (207) 594-0420 FAX (207) 594-0443 Superior Court Clerk Eileen Bridges (207)594-2576	Lincoln County 32 High Street, PO Box 249 Wiscasset, ME 04578 (207) 882-6311 FAX (207) 882-4320 Superior Court Clerk Kelly Cluff (207) 882-7517
Sagadahoc County 752 High Street Bath, ME 04530-0246 (207) 443-8200 FAX (207) 443-8213 Superior Court Clerk Anita Alexander (207) 443-9733	Washington County 47 Court Street, PO Box 297 Machias, ME 04654-0297 (207) 255-3127 FAX (207) 255-3313 Superior Court Clerk Marilyn Braley (207) 255-3326
York County 45 Kennebunk Road Alfred, ME 04002-9494 (207) 324-1571 FAX (207) 324-9494 Superior Court Clerk Dianne Hill (207) 324-5122	Androscoggin County 2 Turner Street, PO Box 3660 Auburn, ME 04212 (207) 330-7550 Superior Court Clerk Linda Mason



- ▶ Maine Superior Courts have general jurisdiction over all civil and criminal cases, but generally only handle cases that are beyond the jurisdiction of another court.
- ▶ Maine District Courts have jurisdiction over ordinance violations and most offenses punishable by less than a year of incarceration.
- ▶ Maine Judicial Branch Violations Bureau is a centralized system designed to handle traffic infractions for the entire state, and is considered to be part of the District Court

Contact must be made with each County Clerk or court clerk and an individual request for each record is made in accordance with that county's rules.

This type of county by county search does not satisfy the requirement to do a state records check unless every county is checked.



Below is a list of types of cases handled by courts in Maine.
Large check = most or all cases. Small Check = some cases.

CASE TYPE	COURT TYPE		
	<i>Superior Courts</i>	<i>District Courts</i>	<i>Probate Courts</i>
<i>Civil</i>			
General Civil-Unlimited	✓	✓	
General Civil-Limited	✓	✓	
Small Claims		✓	
Civil Equity	✓	✓	✓
Complex Commercial	✓		
Foreclosures and Liens	✓	✓	
Real Estate Title and Boundary	✓	✓	✓
Landlord/Tenant	✓	✓	
Ordinance Violations		✓	
Protection, No Contact, and Restraining Orders	✓	✓	
Administrative Agency Appeals	✓	✓	
<i>Criminal</i>	<i>Superior Courts</i>	<i>District Courts</i>	<i>Probate Courts</i>
Felony	✓	✓	
Felony Preliminary Hearings	✓	✓	
Misdemeanors	✓	✓	
Ordinance Violations		✓	
Juvenile	✓	✓	
Traffic and Infractions		✓	

CASE TYPE	COURT TYPE		
	Superior Courts	District Courts	Probate Courts
Domestic Relations			
Divorce		✓	
Child Custody and Visitation		✓	
Child Support		✓	
Paternity		✓	
Domestic Violence Protection Order	✓	✓	
Juvenile	Superior Courts	District Courts	Probate Courts
Adoptions			✓
Juvenile Delinquency		✓	
Child Abuse and Neglect		✓	
Termination of Parental Rights		✓	
Child in Need of Supervision		✓	
Mental Health	Superior Courts	District Courts	Probate Courts
Involuntary Commitments		✓	
Other Mental Health Cases		✓	✓
Probate	Superior Courts	District Courts	Probate Courts
Wills & Estates	✓		✓
Name Changes			✓
Trusts	✓		✓
Guardianships and Conservatorships	✓	✓	✓



STATE RECORDS

There are two types of state record searches available in Maine. The first is the State Sex Offender Registry. This search can be done at no cost and the results are available instantly. You can search by locality or by name. The search will produce a name and a date of birth, and you can request additional information at no charge.

State Bureau of Investigation
Sex Offender Registry
State House Station #42 Augusta, ME 04333-0042
p (207) 624-7270
f (207) 287-3421
<http://sor.informe.org/sor/>

The second type of state record search is a criminal history records search at the state level. This search is done through the Maine State Police and there is a fee charged. The fee depends on whether or not you are a subscriber to Maine InforME, and information regarding this subscription is available on the website. This type of a search will only reveal offenses that occurred within the state's jurisdiction, and identification is based on the information you provide. There can often be inconclusive results when the person has a common name.

Criminal Records
Maine State Police
State Bureau of Identification
State House Station #42 Augusta, ME 04333-0042
p (207) 624-7240
f (207) 287-3421
<http://www5.informe.org/online/pcr/>

Incarceration Records
Maine Department of Corrections
Inmate Records
111 State House Station Augusta, ME 04333
p (207) 287-4376
f (207) 287-4370
<http://www.maine.gov/corrections/>

Court Records
State Court Administrator
PO Box 4820 Augusta, ME 04112
p (207) 822-0792
f (207) 822-0781
<http://www.courts.state.me.us/>



USING AN ONLINE COMPANY TO DO A RECORDS SEARCH – SOME CONSIDERATIONS

- The cost is often significantly less than statewide registry or FBI searches, but may not satisfy requirements of the program (e.g. CNCS).
- The results are received much more quickly than going through the mail – often they are instantaneous.
- Results vary based on the company. You need to be sure the search protocol includes those required by the organization, agency or state.
- Some protocols do not include social security matches, so you can have the same name, but the wrong person.
- This will not fulfill the fingerprint requirements of some states and/or agencies.
- May or may not include the National Sex Offender Registry search required by many.
- Many online searches do not go beyond a 7-year history.

There are many online providers of these services. – HireRight, Lexis/Nexis, Asurint, to name a few. As of the date of this publication, no online provider has received a “blanket” approval by CNCS.

HireRight

HireRight serves more than 25% of the Fortune 500 with their background check service. They provide national, statewide, federal, and county criminal records checks. They also provide national and state sex offender registry searches. They offer a lower cost HireRight Volunteer Check available exclusively for use by non-profit organizations. This includes sex offender and criminal records checks from the Departments of Corrections plus state and county courts. For more information contact them at 1-800-400-2761 x 5977.

Lexis/Nexis

LexisNexis has a background screening tool designed specifically for the needs of non-profit clients called LexisNexis Volunteer Screening. They provide national, regional and state database searches – either with or without the national sex offender registry search – as well as federal and county courthouse searches. They also do identity or social security number verification, employment verifications, education verifications, professional license verifications, motor vehicle reports, credit checks, and reference checks. They have 24/7 customer service and many reports are returned instantaneously. For more information you can contact 1-800-590-8535.

Asurint

This company is providing background checks designed to meet the screening requirements of the Corporation for National and Community Service (CNCS). They can meet or exceed the requirement in Maine, and will work with the client to develop an alternative search protocol, if needed. They have developed special pricing packages for CNCS and their website can be viewed at www.asurint.com. Another point of contact is Steve Palek, Executive Vice President of Asurint. His email is SPalek@asurint.com, and his cell number is 303 882 1601. There are many other online companies providing these services. What you need to be sure of is that the services will meet the requirements to which you are held.



FEDERAL RECORDS

1. FBI Fingerprint Checks: http://www.fbi.gov/about-us/cjis/background-checks/background_checks

National fingerprint-based criminal history record background checks of applicants for volunteer and employment positions are available through the FBI. Fingerprints are obtained at a local law enforcement agency, and are submitted by the agency to the FBI using a form approved for that purpose in Maine. The typical fee for this type of search is \$18.00. This search results in an FBI Identification Report – a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some cases, federal employment, naturalization, or military service. The website listed above describes the process step by step and includes links to the various forms required.

2. National Sex Offender Registry: <http://www.nsopr.gov/Core/Portal.aspx>

The Dru Sjodin National Sex Offender Public Website (NSOPW), coordinated by the U.S. Department of Justice, is a cooperative effort between jurisdictions hosting public sex offender registries (“Jurisdictions”) and the federal government and is offered free of charge to the public. These Jurisdictions include the 50 states, U.S. Territories, the District of Columbia, and participating tribes. The Website provides an advanced search tool that allows a user to submit a single national query to obtain information about sex offenders; a listing of public registry Web sites by state, territory, and tribe; and information on sexual abuse education and prevention.

The criteria for searching are limited to what each individual Jurisdiction may provide. Also, because information is hosted by each Jurisdiction and not by the federal government, search results should be verified by the user in the Jurisdiction where the information is posted. Users are advised to visit the corresponding Jurisdiction Websites for further information and/or guidance, as appropriate.



CRIMINAL HISTORY BACKGROUND CHECKS – JUVENILES

Generally juvenile crime information only contains information relative to offenses that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved had committed the offense as an adult. MRSA §3308 of our Maine statutes deals specifically with access to juvenile court records. A “conviction” in juvenile court is called an “adjudication.” In summary, the statute provides:

1. No one can look at the records of juvenile proceedings except as is provided in this statute.
2. If a juvenile hearing is open to the public, the petition, record of the hearing, and the order of adjudication is open to public inspection.
3. Records of juvenile proceedings are open to the juvenile, the juvenile’s parents, guardian or legal custodian, the juvenile’s attorney, the prosecuting attorney, and any agency to which legal custody of the juvenile was transferred as a result of the adjudication.
4. If a juvenile has been adjudicated of a crime involving the operation of a motor vehicle, that record is transmitted to the Secretary of State, where it becomes a public record.
5. The juvenile (if no longer a minor), the juvenile’s legal guardian, and – if the juvenile is still a minor that person’s parent or legal guardian – can give informed written consent to the disclosure of the juvenile court records.
6. When a juvenile is adjudicated of a juvenile crime that – if committed by an adult would be gross sexual assault under Title 17-A - and is committed to a juvenile correctional facility or placed on probation - a copy of the judgment and commitment is provided to:
 - a. All law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend schools
 - b. The superintendent of any school system in which the juvenile attends school during the period of commitment or probation.
 - c. All licensed and registered daycare facility operators located in the municipality where the juvenile resides, works, or attends school during the period of commitment or probation.
 - d. Upon request, to other entities that are involved in the care of children and are located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation.
 - e. Any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety.
7. When a juvenile is charged in a juvenile petition that alleges the use or threatened use of physical force against a person or when a juvenile is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of physical force against a person, the district attorney in the district where the charges were brought is required to provide the superintendent of the juvenile’s school or the superintendent’s designees the name of the juvenile, the alleged offense or crime, the date of the alleged offense or offense, the date of the petition, the date of the adjudication, and the location of the court where the case was heard. This information cannot be further disseminated, and cannot become part of the student’s education record.
8. A person who has a juvenile record can petition the court to have the records sealed if at least 3 years have passed since the person’s discharge from the disposition ordered for the crime, and the person has not subsequently been adjudicated of committing any other crime (juvenile or adult),



and there are no proceedings currently pending for any other crime (juvenile or adult). If this petition is granted, no one other than the juvenile and the court and criminal justice agencies can get access to the records, and the person can respond to a question about having committed crimes (like on an application) as if the crimes had never occurred.

So – what does this mean for the agency who wants to do a thorough screening of a potential volunteer?

- A. If you have reason to believe there may be some sort of juvenile record that is relevant, you could get the volunteer’s written permission to get access to the record. If the volunteer is still a minor, you have to get the written permission from the child’s parent or legal guardian.
- B. If you do not have access to the juvenile record and are potentially placing the volunteer in a situation dealing with children, the daycare center or other “entity involved in the care of children” can request the record check. This only applies to the daycare centers or other entities “in the municipality where the juvenile resides, works or attends school” and it only applies during the period of time the juvenile is actually committed or is on probation.

LEGAL ISSUES

Both federal and state consumer reporting laws govern background screening, including the Fair Credit Reporting Act, 15 U.S.C. §1681 et seq. These regulations typically relate to either candidate consent and/or adverse action notifications. The Federal Trade Commission uses the term “employer” throughout, but the regulations apply equally to volunteer managers. For an in-depth look, go to: www.ftc.gov/credit.

Written Consent. Both federal and state statutes generally require the consent of the person being investigated before you can order a background check. You have to make some disclosures to the candidate about the check you are about to perform, and obtain his or her written consent. This form should be separate from any application form, but can be included with the application materials.

Notice and Authorization. Before an employer can ask for reports about a candidate from any companies that provide them, it must tell the candidate that it might use the information to make a decision. An employer may not get a report about a candidate for employment or volunteer purposes without getting permission or authorization first, usually in writing.

Pre-Adverse Action Procedures. If an employer might use information from a credit or other background report to take an “adverse action” — say, to deny the application for employment or a volunteer position, for a promotion, to terminate employment or volunteer assignment, or for reassignment — the employer or volunteer manager must give the candidate a copy of the report and a document called *A Summary of Your Rights Under the Fair Credit Reporting Act* before taking the adverse action. This document explains to the candidate that he or she can read the report, and contact the company that issued it if there is inaccurate or incomplete information. If an investigation reveals that a correction is warranted, the credit reporting company or other company providing background information must send an updated report to the employer if the candidate asks them to.

Adverse Action Procedures. If an employer takes an adverse action against a candidate based on information in a report, it must tell that person — orally, in writing, or electronically. The notice must include:

- the name, address, and phone number of the company that supplied the credit report or background information;
- a statement that the company that supplied the information didn't make the decision to take the adverse action and can't give you any specific reasons for it; and
- a notice of the candidate's right to dispute the accuracy or completeness of any information in the report and to get an additional free report from the company that supplied the credit or other background information if asked for within 60 days.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (CNCS) REQUIREMENTS



WHO HAS TO COMPLY WITH THESE REPORTING REQUIREMENTS?

The information in this section only applies to grantees and programs of the Corporation for National and Community Service.

Programs

Under the Serve America Act, all grantees must conduct criminal history checks on participants in:

- AmeriCorps
- Learn and Serve
- Foster Grandparent
- Senior Companion Programs

AND

- All employees and others who receive a salary, national service education award, living allowance, or stipend under CNCS grants.
- RSVP and VISTA grantee employees who receive part or all of their salary from the respective program grant.

Individuals

- “Covered Position” – any individual receiving a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws regardless of the type of employment or service the individual is performing. The position is “covered” if it is supported under the grant through either the federal or grantee match/share funding.
- Employees of grantees whose positions and salaries are supported in part or in whole by the Corporation grant, either as the Corporation share or the grantee share.
- Learn and Service participants who receive a stipend or national service education award, and grant-funded staff under these programs are covered individuals.



- Summer of Service education award is not considered a stipend or national service education award, and therefore these participants are not “covered.”
- National Civilian Conservation Corps (NCCC) members are not “covered.” They are subject to internal screening procedures conducted by the U.S. Office of Personnel Management.
- VISTA members are not “covered” for the same reasons as NCCC, but grant-funded employees who are working for the program (like employees of the VISTA sponsor who serve as VISTA program supervisors and receive part or all of their salary from the VISTA program grant) are “covered.” A VISTA host site supervisor that is not paid by any CNCS funds is exempt from the criminal history check requirement.

See chart at page 41 for more detailed information.

WHAT IS REQUIRED?

Beginning April 21, 2011, all “covered” individuals with recurring access to vulnerable populations are subject to a three-part check – National Sex Offender Public Registry (NSOPR), FBI Fingerprint, and State Registry. Those “covered” individuals who do not have access to vulnerable populations are subject to a two-part check – NSOPR and either FBI or state registry.

Statewide Registry

Search of statewide criminal history records by name and/or fingerprint for state of residence and state of service. Residence is established by the report of the applicant- where they say they live when they apply, EXCEPT: college applicants are considered as residents of the state in which they reside where they are enrolled in school. If an applicant lives outside the United States, thier residence is the last state in which they lived.

CNCS designated statewide criminal history repositories are included in the Tools section of this publication at pp. 36-39.

Nationwide National Sex Offender Public Registry Check

No cost web-based check of centralized registry can be found at: <http://www.nsopw.gov>.

FBI Fingerprint Check

- Effective April 21, 2011, FBI fingerprint checks are required for all covered individuals who will be working with vulnerable populations – defined as 17 and under, 60 and older, or disabled.
- Will satisfy the state criminal registry record check requirement, but ONLY if the volunteer does not have access to vulnerable populations. It also does not satisfy the required search of the National Sex Offender Public Registry.

Ineligibility for Service with CNCS

- Anyone listed or required to be listed on a sex offender registry.
- Anyone convicted of murder.
- Anyone who refuses to undergo a National Service Criminal History check.

For more information, go to www.nationalservicerresources.org/criminal-history.

TOOLS



SAMPLE POSITION DESCRIPTION

Position Title: Policy Analyst and Advocate

Reports To: Manager of Public Policy and Advocacy, Jane Doe, 123-123-1234, jdoe@imagine.com

Summary: Provides research, data, analysis and consultation for policy development, public communication and advocacy of _____ public policy agenda. Supports the efforts of staff and develops relationships with elected officials and staff of agencies and organizations throughout the community to advance _____'s mission. Collects, analyzes, interprets and summarizes trends, data and information for use in developing public policy agenda, community and policy initiatives.

Essential Duties:

- Identifies, analyzes and tracks key local and regional policy issues as well as state and federal legislation.
- Acts as a liaison with regional and state organizations in health and wellness initiatives and policy development.
- Provides technical assistance and advocacy strategies to non-profit and faith-based organizations.
- Creates and develops relationships with regional advocates, elected officials, and community leaders.
- Provides support to senior management on related policy initiatives.
- Performs other duties as assigned.

Qualifications: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education/Experience: Bachelor's degree (B.A.) in Public Health, Human Services, Public Administration, Social Work or related field. A minimum of two years experience in public policy analysis and advocacy in community, health or human services arenas. Master's degree (M.A.) in related field preferred.

Language Ability: Ability to read, analyze, and interpret health status and policy reports and publications, professional journals, and governmental regulations. Ability to prepare presentations and documents for publication that conform to prescribed style and format. Ability to speak effectively and respond to questions from diverse audiences. Fluent in English. Bilingual with Spanish preferred.

Reasoning Ability: Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of public policy documents. Ability to analyze and interpret a variety of community dynamics and its implications for policies affecting low income populations.

Computer Skills: To perform this job successfully, an individual should have working knowledge of Microsoft Office applications to include Word, Excel, Outlook and PowerPoint. Geomapping software such as ArcView GIS preferred. Other: Ability to drive and have access to a car; maintain current driver's license and auto liability insurance.

SAMPLE VOLUNTEER APPLICATION

Application Date _____ Volunteer Position Sought _____

Name _____

Home Address _____

Work Phone _____ Home Phone _____

Highest Level of Education _____

Employment

Current Employer, if applicable _____

Your Position/Title _____

Dates of Employment (starting, ending) _____

Employer Address _____

Would you like us to keep your employer abreast of your volunteer service and achievement?

Yes _____ No _____

Special training, skills, hobbies _____

Groups, clubs, organizational memberships _____

Please describe your prior volunteer experience (include organization names and dates of service) _____

What experiences have you had that may prepare you to work as a volunteer in the field of (description of field, e.g. domestic violence, child abuse prevention, youth recreation, etc.)?

Why do you want to volunteer? _____

Do you have: a driver's license? Yes _____ No _____ Car insurance Yes _____ No _____

Car available for transporting others? Yes _____ No _____

REFERENCES: Please list three people who know you well and can attest to your character, skill, and dependability. Include your current or last employer.

	Name	Relationship to you	Phone
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____



Please read the following carefully before signing this application:

I certify that I have and will provide information throughout the selection process, including on this application for a volunteer position and in interviews (Name of Nonprofit) that is true, correct, and complete to the best of my knowledge.

I certify that I have and will answer all questions to the best of my ability and that I have not and will not withhold any information that would unfavorably affect my application for a volunteer position.

I understand that information contained on my application will be verified by (Name of Nonprofit). I understand that misrepresentations or omissions may be cause for my immediate rejection as an applicant for a volunteer position with (Name of Nonprofit) or my termination as a volunteer.

Signature _____ Date _____

Nonprofit Risk Management Center

SAMPLE
DISCLAIMER LANGUAGE FOR A VOLUNTEER APPLICATION

Read carefully before signing this application:

I hereby consent to permit (Name of Nonprofit) to contact anyone it deems appropriate to investigate or verify any information provided by me to discuss my suitability for a volunteer position, including my background, volunteer experience, education or related matters. I expressly give my consent to any discussions regarding the foregoing and I voluntarily and knowingly waive all rights to bring an action for defamation, invasion of privacy, or similar cause of action, against anyone providing such information.

I hereby authorize any organization affiliated with (Name of Nonprofit) to investigate my background as necessary for the consideration of my application for the position of _____.

I further authorize all persons, schools, companies, organizations, credit bureaus, and law enforcement agencies to supply all information concerning my background and to furnish such reports thereon and I hereby release them and any organization affiliated with (Name of Nonprofit) from any and all liability and responsibility arising from their doing so.

I certify that the answers given by me to all questions on this application and any attachments are, to the best of my knowledge and belief, true and correct and that I have not knowingly withheld any pertinent facts or circumstances. I understand that any omission or misrepresentation of fact in this application may result in refusal of or separation from volunteer service upon discovery thereof.

Applicant's Signature _____ Date _____

Staff Screening Tool Kit-Third Edition

SAMPLE RECOMMENDATION MATRIX

This is an example of a recommendation matrix. Each organization should adapt the matrix for their own use – taking into consideration their mission, the recipients of their services, and their unique needs.

The matrix is divided into three types of job categories and two time frames in each category (3yr = convictions w/in past 3 yrs and 7yr= convictions w/in past 7yrs). **NA** means the candidate is not approved for the position if that condition exists (i.e. license currently suspended), **P** means further investigation is required before the candidate could be approved for the job, and **A** means the candidate is approved.

	Office/Admin		General Volunteer		Vulnerable Population	
	3yr	7yr	3yr	7yr	3yr	7yr
MOTOR VEHICLE RECORD						
License currently suspended and/or revoked	NA	P	A	A	NA	P
Reckless, careless or negligent driving	NA	P	A	A	NA	P
Driving under the influence of alcohol or narcotics (DUI)	NA	P	A	A	NA	P
Driving while impaired (DWAI)/Intoxicated (DWI)	P	P	A	A	NA	P
Illegal possession of alcohol/narcotics in motor vehicle	NA	P	NA	P	NA	NA
Failure to report accident	P	P	A	A	P	P
Vehicular homicide or assault	NA	NA	NA	NA	NA	NA
Unlawful possession of weapon/hazardous materials	NA	NA	P	P	NA	NA
Use of motor vehicle in connection with felony	NA	NA	NA	NA	NA	NA
Fleeing a police officer	P	P	P	P	P	P
Other misdemeanor traffic convictions	P	P	A	A	P	P
CRIMINAL CONVICTION RECORD						
Assault/Battery/Domestic Violence (Felony)	NA	NA	NA	NA	NA	NA
Assault/Battery/Domestic Violence (Misdemeanor)	P	P	P	P	P	P
Auto Theft	NA	NA	NA	NA	NA	NA
Burglary/Breaking and Entering/Burglar's tools (Felony)	NA	NA	NA	NA	NA	NA
Burglary/Breaking and Entering/Burglar's tools (Misdemeanor)	P	P	P	P	P	P
Child Abuse. Molestation	NA	NA	NA	NA	NA	NA
Child Neglect (Felony)	NA	NA	P	P	NA	NA
Child Neglect (Misdemeanor)	P	P	A	A	P	P
Computer Crimes	NA	NA	NA	NA	NA	NA
Criminal Mischief/Damage to Property/Vandalism	P	P	P	P	P	P
Disorderly Conduct	P	P	P	P	P	P
Drug Possession/Drug Abuse/Poss of Drug Paraphernalia (Felony)	NA	NA	NA	NA	NA	NA
Drug Sales/Distribution/Manufacturing (Felony)	NA	NA	NA	NA	NA	NA
Embezzlement (Felony)	NA	NA	NA	NA	NA	NA
Forgery (Felony)	NA	NA	NA	NA	NA	NA



CRIMINAL CONVICTION RECORD (continued)	Office/Admin		General Volunteer		Vulnerable Population	
Fraud	NA	NA	NA	P	NA	NA
Indecent Exposure	NA	NA	NA	P	NA	NA
Kidnapping	NA	NA	NA	NA	NA	NA
Manslaughter	NA	NA	NA	NA	NA	NA
Mob Action/Gang Activity	NA	NA	NA	NA	NA	NA
Obstructing Justice	NA	NA	NA	P	NA	NA
Prostitution/Solicitation	NA	NA	NA	P	NA	NA
Rape	NA	NA	NA	NA	NA	NA
Resisting a Peace Officer	NA	NA	NA	P	NA	NA
Robbery	NA	NA	NA	NA	NA	NA
Sexual Assault	NA	NA	NA	NA	NA	NA
Stalking	NA	NA	NA	NA	NA	NA
Theft/Shoplifting/Larceny/Poss Stolen Property/Credit Card Abuse (Felony or Misdemeanor)	NA	NA	NA	NA	NA	NA
Traffic Offenses (Felony)	NA	NA	P	P	NA	NA
Active Warrants (Criminal or Traffic)	P	P	P	P	P	P
Weapons Possession/Unlicensed/No Permit (Felony or Misdemeanor)	NA	NA	NA	NA	NA	NA
Worthless Checks (Felony or Misdemeanor)	NA	NA	P	P	NA	NA

CONSENT FORM

DISCLOSURE

As part of our screening, we may obtain consumer reports or prepare an investigative consumer report. The investigative consumer report may consist of contacting all listed prior employers to verify your employment history. It may also include, but not be limited to, credit information reports, criminal history reports and driving history records. Under the provisions of the Fair Credit Reporting Act (15 USC at 1681-1681u) as amended, before we can seek such reports, we must have your written permission to obtain the information. You have the right, upon written request, to a complete and accurate disclosure of the nature and scope of the investigation. You are also entitled to a copy of your Rights under the Fair Credit Reporting Act.

AUTHORIZATION TO RELEASE INFORMATION

I, _____
 Last Name First Name Middle Name

 Current Address
 Dates Lived Here

Addresses for the Past Seven Years: (include street, city, state, zip code) Dates of Residence:

1. _____
2. _____
3. _____
4. _____
5. _____

Date of Birth _____

Other Names Used (including maiden name) _____ Years Used _____

Social Security Number _____

Driver's License # _____ State _____

Email address (may be used for official correspondence): _____

I do hereby authorize verification of all information in my volunteer application from all sources of employment, education, motor vehicle, financial history, criminal history, personal character, and worker's compensation records in accordance with ADA, labor and wage records, etc. or any part thereof, and authorize any duly authorized agent of _____ to obtain, whether the said records are public or private, and including those which may be deemed to be privileged or confidential in nature and I release all persons from liability on account of such disclosures. Information appearing on this Authorization will be used exclusively by _____ for identification purposes and for the release information which will be considered in determining any suitability for a volunteer position. I certify that I have made true, correct, and complete answers and statements on my volunteer application, any supplements to it and in any interview in the knowledge that they will be relied upon in considering my application for a volunteer position. I agree to provide additional information that may be requested to process my volunteer application. I authorize without reservation, any party or agency contacted by _____



to furnish the above-mentioned information. This authorization is valid during the course of my placement to the extent permitted by law.

**I hereby do _____ do not _____ authorize you to contact my current employer for Employment and Reference Verifications

(This will authorize immediate inquiries to the Human Resources Department and to any listed supervisors or references in the Employment/Reference Section of your application.)

I have the right to make a request to _____, upon proper identification, to request the nature and substance of all information in its files on me at the time of my request, including sources of information, and the recipients of any reports on me which _____ has previously furnished within the two year period preceding my request.

I understand and agree that any omission, false statement, misleading statement, or answer made by me on my application or any supplements to it and in any interviews will be sufficient grounds for rejection of placement and my removal after placement.

Printed Name

Applicant Signature

Date

CALIFORNIA, OKLAHOMA, and MINNESOTA RESIDENTS ONLY: If you are a current California, Oklahoma, or Minnesota resident and would like to request a copy of your Consumer Report or Investigative Consumer Report, please check the box. This report may include character and reputation information obtained through personal interviews.

MASSACHUSETTS APPLICANTS ONLY: Under Massachusetts law, an employer is prohibited from making written, pre-employment inquiries of an applicant about his or her criminal history. Massachusetts applicants should not respond to any of the questions seeking criminal record information.



PRE-ADVERSE DECISION NOTICE

SAMPLE PRE-ADVERSE ACTION NOTICE

PRE-ADVERSE ACTION NOTICE

<Date>

Dear <Applicant>:

This letter is being sent to you in compliance with the Fair Credit Reporting Act, 15 U.S.C. Section 1681b(b) (3) to inform you that you may be denied a position with our organization based on information received from the consumer reporting agency listed below during a background investigation:

NAME OF Credit Reporting Agency (CRA)

Address

Address

Telephone

Please find attached a copy of the report that was provided to us, as well as a copy of the Federal Trade Commission's publication, "A Summary of Your Rights Under the Fair Credit Reporting Act."

Should you wish to explain any items that appear on the report, please contact the undersigned immediately. Should you wish to contest any information that appears in the report, you must contact the consumer reporting agency directly pursuant to the information in the Federal Trade Commission's publication.

Cordially,



ADVERSE DECISION NOTICE

FCRA – SAMPLE PRELIMINARY NOTICE OF ADVERSE ACTION

ADVERSE ACTION NOTICE

<Date>

Dear <Applicant>:

This letter is being sent to you in compliance with the Fair Credit Reporting Act, 15 U.S.C. Section 1681(m) (a) to inform you that you have been denied a position as a volunteer with our organization based on information received from the consumer reporting agency listed below during a background investigation:

NAME OF Credit Reporting Agency (CRA)

Address

Address

Telephone

Please know that CRA NAME did not make any decision regarding your placement and cannot explain to you why the decision was made. Pursuant to the Fair Credit Reporting Act, you have the following rights:

1. You may obtain an additional free copy of your report by contacting CRA NAME within sixty days of receipt of this notice.
2. You may dispute any inaccurate or incomplete information contained in the report directly with <CRA NAME>.

Cordially,

<Employer Name>

SUMMARY OF RIGHTS UNDER THE FCRA

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every “consumer reporting agency” (CRA).

Most CRA's are credit bureaus that gather and sell information about you – such as if you pay your bills on time or have filed bankruptcy- to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. 1681-1681u, at the Federal Trade Commission's web site (<http://www.ftc.gov>). The FCRA gives you specific rights, as outlined below. You may have additional rights under the state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

1. You must be told if information in your file has been used against you. Anyone who uses information from a CRA to take action against you--such as denying an application for credit, insurance, or employment--must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
2. You can find out what is in your file. At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You are also entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
3. You can dispute inaccurate information with the CRA. If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs--to which it has provided the data- -of any error.) The CRA must give you a written report of the investigation and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
4. Inaccurate information must be corrected or deleted. A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified. If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
5. You can dispute inaccurate items with the source of the information. If you tell anyone-- such as a creditor who reports to the CRA--that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you have notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.



6. Outdated information may not be reported. In most cases, a CRA may not report negative information that is more than seven years old, ten years for bankruptcies.

7. Access to your file is limited. A CRA may provide information about you only to people with a need recognized by the FCRA--usually to consider an application with a creditor, insurer, employer, landlord, or other business.

8. Your consent is required for reports that are provided to employers, or reports that contain medical information. A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.

9. You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers. Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.

10. You may seek damages from violators. If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

ENFORCEMENT OF THE FCRA

The FCRA gives several different federal agencies authority to enforce the FCRA:

Credit Reporting Agencies, creditors and others not listed below

Federal Trade Commission
 Consumer Response Center- FCRA
 Washington, DC 20580 * 202-326-3761

National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)

Office of the Comptroller of the Currency
 Compliance Management, Mail Stop 6-6
 Washington, DC 20219 * 800-613-6743

Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)

Federal Reserve Board
 Division of Consumer & Community Affairs
 Washington, DC 20551 * 202-452-3693

Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)

Office of Thrift Supervision
 Consumer Programs
 Washington D.C. 20552* 800- 842-6929

Federal credit unions (words "Federal Credit Union" appear in institution's name)

National Credit Union Administration
 1775 Duke Street
 Alexandria, VA 22314 * 703-518-6360

State-chartered banks that are not members of the Federal Reserve System

Federal Deposit Insurance Corporation
 Division of Compliance & Consumer Affairs
 Washington, DC 20429 * 800-934-FDIC

Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission

Department of Transportation
 Office of Financial Management
 Washington, DC 20590 * 202-366-1306

Activities subject to the Packers and Stockyards Act, 1921 Department of Agriculture

Office of Deputy Administrator-GIPSA
 Washington, DC 20250 * 202-720-7051



TABLE OF CNCS DESIGNATED STATEWIDE CRIMINAL HISTORY REPOSITORIES¹

TABLE 1: DESIGNATED STATEWIDE CRIMINAL HISTORY REPOSITORIES

<i>State</i>	<i>Corporation Designated Repository Agency</i>	<i>Designated Agency URL</i>	<i>Alternative Statewide Source Approved by Corporation</i>
Alabama	The Alabama Background Check	http://background.alabama.gov	None at this time
Alaska	Department of Public Safety	www.dps.state.ak.us/	None at this time
American Samoa	Department of Public Safety Office of the Commissioner	http://americansamoa.gov/departments/depts/safety.htm	None at this time
Arizona	Arizona Department of Public Safety	http://azdps.gov/	None at this time
Arkansas	Arkansas Crime Information Center	http://www.asp.state.ar.us/	None at this time
California	California Department of Justice Criminal Justice Information Services Division	http://caag.state.ca.us/fingerprints	None at this time
Colorado	Department of Public Safety Crime Information Center Colorado Bureau of Investigation	www.cbirecordscheck.com	None at this time
Connecticut	Department of Public Safety Bureau of Identification	www.state.ct.us/dps/SPBI	None at this time
Delaware	Department of Public Safety	www.state.de.us/dps/sbi	None at this time
District of Columbia	Metropolitan Police Department Records Department	www.mpd.org	None at this time
Florida	Florida Department of Law Enforcement Criminal Justice Information Systems	www.fdle.state.fl.us/background-checks	None at this time
Georgia	Georgia Bureau of Investigation Georgia Crime Information Center	www.ga.cogentid.com/index	The name-based Georgia Felon Search is not acceptable since it only presents felony crime convictions. You must obtain the criminal history from the Georgia Crime Information Center's statewide full criminal history system.
Guam	Guam Judicial Center, Superior Court of Guam	www.guamsupremecourt.com/superior.html	None at this time

¹ Updated May 2010 from original designated source based on a change in the Alabama state agency providing official background check data. As of July 16, 2010.

State	Corporation Designated Repository Agency	Designated Agency URL	Alternative Statewide Source Approved by Corporation
Hawaii	Department of the Attorney General, Criminal Justice Data Center	http://hawaii.gov/ag	None at this time
Idaho	Idaho State Police Bureau of Criminal Identification	http://www.isp.state.id.us/identification/crime_history/	None at this time
Illinois	Illinois State Police, Division of Administration	http://www.isp.state.il.us/crimhistory/crimhistoryhome.cfm	None at this time
Indiana	Indiana State Police, Records Division	http://www.in.gov/ai/appfiles/isp-lch	None at this time
Iowa	Iowa Department of Public Safety Division of Criminal Investigation	http://www.dps.state.ia.us/DCI/index.shtml	None at this time
Kansas	Kansas Bureau of Investigation	http://www.kansas.gov.kbi.criminalhistory./	None at this time
Kentucky	Kentucky State Police, Records Section	http://kentuckystatepolice.org/	Kentucky Administrative Office of the Courts (AOC) http://courts.ky.gov/aoc/courtservices/recordsand-statistics/records.htm
Louisiana	Office of State Police, Bureau of Criminal Investigation	http://www.lsp.org/	None at this time
Maine	Maine State Police, State Bureau of Identification	http://www5.infome.org/online/pcr/	None at this time
Maryland	Maryland Department of Public Safety & Correctional Services-Criminal Information System-Central Repository	http://www.dpscs.maryland.gov/publicservs/bgchecks.shtml	None at this time
Massachusetts	Massachusetts Criminal History Systems Board	www.state.ma.us/chsb/	None at this time
Michigan	Michigan Department of State Police, Criminal Justice Info Center	http://www.michigan.gov/	Michigan Internet Criminal History Access Tool http://apps.michigan.gov/ichat/home.aspx
Minnesota	Department of Public Safety, Bureau of Criminal Apprehension	www.dps.state.mn.us	None at this time
Mississippi	Department of Public Safety, Criminal Information Center	http://dps.state.ms.us/dps/dps.nsf/main?OpenForm	None at this time
Missouri	Missouri State Highway Patrol, Criminal Records and Identification Division	http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/crimRecChk.html	None at this time



State	Corporation Designated Repository Agency	Designated Agency URL	Alternative Statewide Source Approved by Corporation
Montana	Montana Department of Justice, Justice Information Services Division	http://www.doj.mt.gov/enforcement/criminaljustice/background-checks.asp	None at this time
Nebraska	Nebraska State Patrol, Investigation Services Division	http://www.nsp.state.ne.us/Find-File.asp?ID=209	None at this time
Nevada	Nevada Highway Patrol, Records & Identification Services	http://www.nvrepository.state.nv.us/crim_nav.shtml	None at this time
New Hampshire	New Hampshire State Police, Support Services Bureau	http://nh.gov/safety/divisions/nhsp/isb/index.html and http://www.nh.gov/safety/divisions/nhsp/ssb/crimrecords/index.html	None at this time
New Jersey	New Jersey State Police, Records & Identification Section	http://www.njsp.org	None at this time
New Mexico	Department of Public Safety, Technical and Emergency Support Division	http://dps.nm.org/lawEnforcement/records.php	New Mexico Dept. of Health Caregivers Criminal History Screening Programs (CCHSP) Note: This service may not be available to all grantees. http://dhi.health.state.nm.us/CCHSP/index.php
New York	NY State Division of Criminal Justice Services, Office of Operations and Systems	http://criminaljustice.state.ny.us/	NY State Office of Court Administration (OCA) http://www.nycourts.gov/apps/chrs/
North Carolina	North Carolina Bureau of Investigation Identification Section	http://www.ncdoj.gov/About-DOJ/State-Bureau-of-Investigation.aspx	North Carolina Administrative Office of the Courts (NCAOC) is acceptable; however, because vendor searches of the NCAOC may differ, an ASP is required. http://www.nccourts.org/Citizens/GoToCourt/Default.asp?topic=1
North Dakota	Bureau of Criminal Investigation, Information Services Division	http://www.ag.state.nd.us/bci/bci.htm	None at this time
Northern Mariana Islands	Department of Public Safety	http://www.dps.gov.mp/	None at this time
Ohio	Bureau of Criminal Investigation, Information Services Division	http://ohioattorneygeneral.gov/Enforcement/BCI	None at this time

State	Corporation Designated Repository Agency	Designated Agency URL	Alternative Statewide Source Approved by Corporation
Oklahoma	Bureau of Investigation, Information Services Division	http://www.ok.gov/osbi/Criminal_History/	None at this time
Oregon	Forensic Services, Identification Services Section	http://www.oregon.gov/OSP/CID/index.shtml or for Name-Based: http://www.oregon.gov/osp/id/public_records.shtm	None at this time
Pennsylvania	Pennsylvania State Police, Bureau of Records & Information Services	http://psp.state.pa.us/portal/server.pt/community/psp/4451	None at this time
Puerto Rico	Puerto Rico Department of Justice, Criminal Justice Information Systems	http://www.justicia.gobierno.pr/	None at this time
Rhode Island	Department of the Attorney General, Bureau of Criminal Identification	http://www.riag.ri.gov/civilcriminal/criminalid.php	None at this time
South Carolina	South Carolina Law Enforcement Division	http://www.sled.sc.gov	None at this time
South Dakota	Office of the Attorney General, Division of Criminal	http://www.state.sd.us/attorney	None at this time
Tennessee	Tennessee Bureau of Investigation	http://www.tbi.state.tn.us/crime_invest/crime_invest.shtm and http://www.tbi.state.tn.us/background_checks/backgrd_checks.shtml	None at this time
Texas	Texas Department of Public Safety, Crime Records Service	http://www.txdps.state.tx.us/	None at this time
Utah	Utah Department of Public Safety	http://publicsafety.utah.gov/bci/index.html	None at this time
Vermont	Department of Public Safety, Crime Information Center	http://www.dps.state.vt.us/cjs/vcic.htm	None at this time
Virgin Islands	VI Police Department, Records Bureau Records Management Officer	http://vipd.gov.vi	None at this time
Virginia	Virginia State Police, Bureau of Administration & Support Service	http://www.vsp.state.va.us/CJIS_Criminal_Record_Check.shtm	None at this time
Washington	Washington State Patrol, Criminal Records Division	http://www.wsp.wa.gov/	None at this time
West Virginia	West Virginia State Police	http://www.wvstatepolice.com	None at this time
Wisconsin	Wisconsin Department of Justice, Crime Information Bureau	http://www.doj.state.wi.us/DLES/CIB/crimeback.asp	None at this time
Wyoming	Division of Criminal Investigation	http://attorneygeneral.state.wy.us/dci/	None at this time



CORPORATION FOR NATIONAL AND COMMUNITY SERVICE CHECKLIST FOR BACKGROUND CHECKS

- Verify identity against government photo identification
- Document that you verified identity
- Determine the types of checks required and where they are to be obtained from
- Obtain written authorization prior to initiating checks
- Document understanding that selection is subject to the checks
- Perform the NSOPR check before service/work begins
- Pay for the checks
- Initiate criminal history information check(s) no later than the start of service/work
- Accompany those with pending checks when in contact with vulnerable populations
- Document that you conducted the checks
- Maintain the results of the checks
- Document that you considered the results of the checks
- Keep the information confidential
- Provide opportunity for review of findings

CNCS

CHART OF COVERED POSITIONS

National Service Criminal History Check Position Type Coverage¹							
Grant Category	Employees	Participants²	Sub-grants	Site Supervisors and Similar	Volunteers³	Program Beneficiaries⁴	VISTA Volunteers
AmeriCorps State Programs	Covered	Covered	Covered	Covered	Not Covered	Not Covered	Not Covered
AmeriCorps National Direct Programs (Traditional)	Covered	Covered	Covered	Covered	Not Covered	Not Covered	Not Covered
AmeriCorps Fixed Price Awards and Sub-Awards	Covered	Covered	Covered	Covered	Not Covered	Not Covered	Not Covered
AmeriCorps Education Award Only (EAP)	Not Covered	Covered	Not Covered	Not Covered	Not Covered	Not Covered	Not Covered
Learn and Serve America	Covered	Covered	Covered	Not Covered	Not Covered	Not Covered	Not Covered
Foster Grandparent	Covered	Covered	N/A	Not Covered	Not Covered	Not Covered	Not Covered
Retired and Senior Companion Program (RSVP)	Covered	N/A	Covered	Covered	Not Covered	Not Covered	Not Covered
Senior Companion	Covered	Covered	N/A	Covered	Not Covered	Not Covered	Not Covered
Social Innovation Fund	Covered	Covered	Covered	Covered	Not Covered	Not Covered	Not Covered
MLK Day of Service (Direct from CNCS)	Covered	N/A	Covered	Covered	Not Covered	Not Covered	Not Covered
Non-profit Capacity Building	Covered	Covered	Covered	Covered	Not Covered	Not Covered	Not Covered
Volunteer Generation Fund	Covered	N/A	Covered	N/A	Not Covered	Not Covered	Not Covered

KEY: Covered = Must do Background Check

Not Covered = Background Check Optional

¹Coverage requires the individual to be on-the-budget receiving a salary, stipend, living allowance, national education award or similar payment for providing service to the program, or the cost will be included in amounts reported as a grant expenditure of either federal or non-federal (matching) share funds.

²Participants include, but not limited to, AmeriCorps members, Senior Corps foster grandparents and senior companions, all of whom are receiving a national education award, stipend, or other remuneration for their service. Summer of Service education award recipients are not covered.

³Volunteers donating time and not receiving salary, stipend, living allowance or other remuneration are not covered.

⁴Beneficiaries are citizens who are not performing a service for the program, but rather receiving a service from the program



RESOURCES

- Asirvatham, Sandy, "Charities Find Ways to Screen Volunteers Despite Insufficient Funds, Time", The Chronicle of Philanthropy, August 8, 2002
- Criminal Records, Support Services, Division of State Police, New Hampshire, www.nh.gov/safety/divisions/nhsp/ssb/crimrecords/
- FBI Integrated Automated Fingerprint Identification System, www.fbi.gov/about-us/cjis/fingerprints_biometrics/iafis/iafis
- Federal Trade Commission, "Using Consumer Reports: What Employers Need To Know", Bureau of Consumer Protection, March 1999
- Fliegel, Rod. "Credit Checks: Best Practice Recommendations for Mitigating Risk," HireRight, Inc., 2011
- Fliegel, Rod, Littler Mendelson, "Fair Credit Reporting Act (FCRA) Basics," 2010
- Hager, Mark, Brudney, Jeffrey, "Volunteer Management Practices and Retention of Volunteers," The Urban Institute, June 2004
- HireRight, "Business Guide: Employment Background Checking," 2010
- HireRight, Inc., "Employment Screening Benchmarking Report," 2010 Edition
- LexisNexis, "Criminal Background Checks: What Non-profits Need to Know About Criminal Records," 2009
- Lombardi, Mollie, "Employment Screening: Mitigating Risk, Driving Down Cost," Aberdeen Group, September 2010
- Nonprofit Risk Management Center, "Checking Criminal Histories: Considerations Before You Begin," 2010
- Nonprofit Risk Management Center, "Staff Screening Tool Kit," Third Edition, Public Entity Risk Institute, 2004
- Points of Light Foundation & Volunteer Center National Network, "Volunteer Screening: Part of an Integrated Risk Management Program," Working Solutions, Summer 2002
- Rosen, Lester, Employment Screening Resources, "Employment Screening Resources Top Ten Trends in Background Screening for 2011: No. 10, New Accreditation Standards Help Employers Select Background Screening Firms," December 6, 2010 www.esrcheck.com/wordpress/2010/12/06/employment-screening-resources-top-ten/
- Rosen, Lester, Employment Screening Resources, "ESR Background Screening Trend 6 for 2011: Using Social Network Sites Such as Facebook to Screen Job Candidates Increases Legal Risk for Employers," December 21, 2010, www.esrcheck.com/wordpress/2010/12/21/esr-background-screening-trend/
- Shanklin, Ann, "Criminal Records Checks for Prospective Staff and Volunteers," Ask Rita In HR, September 28, 2009, www.blueavocado.org/content/criminal-records-checks-prospective/
- Smith, Tom, Times Daily, "Grant Funds Electronic Fingerprinting For Police," December 31, 2010, www.timesdaily.com/article/20101231/news/101239966?Title=Grant-funds-electronic/
- The Corporation for National & Community Service, National Conference on Citizenship, Civic Life in America, Maine
- The Corporation for National and Community Service, "Volunteering in America"
- The United States Department of Justice, "The Attorney General's Report on Criminal History Background Checks," June 2006
- The UPS Foundation, "A Guide to Investing in Volunteer Resources Management: Improve your Philanthropic Portfolio"
- Volunteer Canada, "Best Practice Guidelines For Screening Volunteers," Public Safety Canada, 2008
- Volunteer Canada, "The Screening Handbook," Volunteer Screening Model, www.hls.gov.bc.ca/sport/library.htm
- Webster, Michelle Waul, Whitman, Julie, "Who's Lending A Hand? A National Survey of Nonprofit Volunteer Screening Practices," The National Center For Victims Of Crime, April, 2008





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“Advancing Volunteerism. Strengthening Communities.”