

Date: Tue, Sept 19, 2017

Subject: Memorandum - National Service Criminal History Checks for Returning Members:

Good afternoon,

During a member file check today we ran across a hypothetical scenario that could cause a non-compliance issue for programs who have returning members. Though the scenario we encountered today did not result in non-compliance we felt it was important enough to share this with the whole group as a cautionary measure.

The situation would occur with a member who is returning for a second/third/fourth year of service but finished their previous year early. The regulation shown below allows programs to use the previous NSCHC search if there has not been a break in service for over 120 days. The issue is that if a member exits their previous term earlier than their projected service end date in eGrants, the break in service could be exceeded and the eGrants service end date would be misleading.

So it is highly important to check the eGrants exit date for the previous term, not just the service end date, when making the determination of whether the check was within 120 days.

Also if your program design is such that members would be returning between 121 days and 180 days after exiting you could get prior approval to use the previous check but this would need to be done before starting the member in the new term.

Please let me know if you have questions. As this is a memorandum it will be posted to the program resources page for future reference.

Regulation: §2540.204 When must I conduct a National Service Criminal History Check on an individual in a covered position?

(a) *Timing of the National Service Criminal History Check Components.* (1) You must conduct and review the results of the nationwide NSOPW check required under §2540.203 before an individual in a covered position begins work or starts service.

(2) You must initiate state registry or FBI criminal history checks required under §2540.203 before an individual in a covered position begins work or starts service. You may permit an individual in a covered position to begin work or start service pending the receipt of results from state registry or FBI criminal history checks as long as the individual is not permitted access to children age 17 years or younger, to individuals age 60 years or older, or to individuals with disabilities, without being in the physical presence of an appropriate individual, as described in §2540.205(g) of this chapter.

(b) *Consecutive terms.* If an individual serves consecutive terms of service in a covered position and does not have a break in service that exceeds 120 days, then no additional National Service Criminal History Check is required, as long as the original check is a compliant check for the covered position in which the individual will be serving or working following the break in service. If your program or project is designed with breaks in service over 120 days, but less than 180 days between consecutive terms, you may request approval for a break in service of up to 180 days before a new National Service Criminal History Check is required. Your request must describe the overall program design, explain why the

longer period is reasonable, and demonstrate that you have established adequate risk management controls for the extended break in service.

[77 FR 60932, Oct. 5, 2012]

Best,

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