Date: Wed, Apr 26, 2017
Subject: Memorandum - NSCHC Requirements and Enforcement - Follow Up Required - Please Read:

Good Morning,

This email is a follow up to information that was previously forwarded from CNCS. I wanted to make it very clear to all programs that as of April 1st, 2017 all Commissions are required to utilize the new NSCHC Enforcement Guide when errors are found with the NSCHC process. As stated in the previous email I forwarded from CNCS:

*The Guide must be used by monitoring officials including Program Officers and Grants Officers of the CNCS, State Commission staff, Social Innovation Fund intermediary staff, other recipient staff members responsible for monitoring and enforcing compliance, and any other individuals who monitor and enforce compliance with the NSCHC requirements.*

That being said I want to bring to each of your attention some key information about this new guide:

1- Enforcement is required and UServeUtah will adhere to this requirement.

2- If more than one occurrence of non-compliance is found in a sample, the Commission is required to expand their scope to all members currently serving at the time of the initial sample unless the Commission can justify that the occurrence was limited to a specified smaller group of members.

3- Depending on the risk mitigation level present for each occurrence of non-compliance, the cost dis-allowance that will be levied on programs will cost $500, $1000 or $1500 for each occurrence.

4- Dis-allowance is reduced by half for non-compliance that is self-reported by the program before it is discovered.

5- If it is not on record it did not happen. You must be able to show proof of what actions you take and when.

With this memorandum I want to make it absolutely clear that NSCHC Enforcement, including proper on-time background checks and National Sex Offender Public Registry checks should be of a programs highest concern and priority. All program directors and one other staff from each program were required to take the CNCS training on this topic last August. This is an annual training however, I would recommend reviewing the training and ensuring that your processes and procedures are sufficient to protect your program from dis-allowance. Furthermore programs should be clear that members cannot start service before the NSOPR (NSOPW) checks are completed and annotated properly and the appropriate background

checks are initiated. Failure to follow accompaniment regulations and properly document when required will also result in dis-allowance.

**As a follow up to this email I am requesting the following be done by 5/31/2017:**

1- Please email a copy of your policy and procedures that define the step your program takes to "initiate" background checks, beyond gaining consent.

2- Ensure any staff that deal with enrollment have taken the online NSCHC training and fully understand the potential risks of non-compliance.

3- Ensure that all required documentation is uploaded to IPT for all members currently serving. See the attached Member File Check Review Guidelines document which describes what we look for in our member IPT desk audits.

4- Provide a printed copy of the attached document to any individual tasked with enrollment.

Please let me know if you have questions or concerns. I appreciate all your efforts to ensure that we are in compliance with the requirements of our grants.


Respectfully,

Greg Bates
National Service Program Manager
300 South Rio Grande Street
Salt Lake City, UT 84101
P: 801-245-7221  |  gregbates@utah.gov  |  userve.utah.gov


Attachment: **Member File Check Review Guidelines**

<u>Member File Check Review Guidelines</u>

- **No Visible SSN**
  - There should be no social security number listed anywhere on IPT or on any member forms.
- **IPT Member Contact Info**
  - Member contact information and emergency contact information should be listed in two places: on the Student Detail page on IPT, and on the Enrollment Eligibility form.
- **Enrollment Eligibility**

- o This form needs to be signed and dated on or before the day the member starts their term. Hours cannot be recorded until this form and the MSA are filled out and signed by the member.
- o All contact information must be filled out.
- o Address should be the same as the address listed on the Student Detail page.
- **Enrollment in eGrants**
  - o Members must be enrolled on eGrants within 30 days of the start of their term.
- **MSA**
  - o MSA must be signed on or before the day the member starts their term: hours cannot be recorded until this form and the Enrollment Eligibility form are signed and filled out by the member.
  - o Position description must be listed on the MSA.
  - o Benefits that the program is providing must be included.
- **Agreement Addendum**
  - o This form must be signed on or before the day the member starts their term.
- **NSOPR**
  - o <u>This search MUST be done before the member begins their term of service.</u> A consent form is not required to run an NSOPR search because it is public information. You do not need to wait for them to sign their Eligibility Enrollment form before running this search.
  - o Make sure this search includes all states and territories. If some jurisdictions are temporarily unavailable at the time you do the search, please run the search a second time at a later date.
  - o If any individuals show up on the search, check that they are not the member. If your member's name does show up on the search: you must conduct a more in-depth inquiry to determine whether the person who appears on the NSOPW is your applicant or is someone with the same name. Compare the registered offender's photograph from the NSOPW to the candidate's photo identification or check in person. The statewide criminal history search will also provide helpful information to determine whether or not the candidate is the person on the registry.
    - ▪ If individuals who are NOT your member show up on the NSOPR search, please write a small explanation next to each name explaining how you know they are not your member. For example, different birthday, different name, individual is incarcerated, etc.
    - ▪ Anyone listed on the NSOPR is ineligible to serve.
  - o Whoever runs the NSOPR check must sign the form before uploading it to IPT.
- **FBI Criminal History Checks**
  - o FBI Criminal History Checks must be initiated BEFORE the member starts their term of service. "Initiation" is defined as one step further than consent to run a background check. Your program policies and procedures must clearly state in your policies and procedures what step your program staff takes beyond gaining consent to initiate background checks. This policy and procedure must be provided to the commission staff.

- o Only the first page of the background check should be uploaded on IPT.
- o If members do not have recurring access to vulnerable populations, you will only need to run the NSOPR and a state check or an FBI check.
- **State Criminal History Checks**
  - o For people with recurring access to vulnerable populations, programs must conduct an NSCHC with three components:
    - ▪ A nationwide name-based check of the NSOPW
    - ▪ Either a name- or fingerprint-based search of the statewide criminal history registry in the candidate's state of residence and in the state where the person will serve or work; AND
    - ▪ A fingerprint-based FBI check.
  - o If members do not have recurring access to vulnerable populations, you will only need to run the NSOPR and a state check or an FBI check.
  - o Only the first page of the background check should be uploaded on IPT. Retain full copies in your secured files.
  - o If both a Utah State and FBI check are run through BCI - upload the FBI check only.
  - o If an out of state check is required, you need to upload that in addition.
- **Mid-Term Evaluation (Full time/half time members ONLY)**
  - o A midterm evaluation is required only for full time and half time members.
- **Final Evaluation**
  - o A final evaluation must be completed for <u>all</u> members.
- **Service Hour Records**
  - o Timesheets must be signed by the member, site supervisor, and program director.
  - o Hours cannot be logged in advance before they are served.
- **% Hours Compliance: Service hours, fundraising, member development**
  - o 20% of hours can be dedicated to member development
  - o 10% of hours can be logged as fundraising with Program Director approval.
- **Benefits Form (FT only)**
  - o If benefits are being provided to a member, a form showing the member is being provided benefits must be uploaded. This applies to Full Time members only.
  - o If benefits are not being provided to a member, a signed opt-out form must be uploaded on IPT.
- **IPT Exit Form**
  - o This form is required for all members, unless a member is not available to complete the form at the time of exit (for example, if the member is terminated for cause due to job abandonment).
  - o Exit form must be signed by both the member and site supervisor.
- **Exit in eGrants**
  - o Members must be exited on eGrants within 30 days after their term ends.