



# **NSCHC Frequently Asked Questions**

Effective May 1, 2021



## Contents

Introduction .....	2
1.0 NSCHC Context.....	3
2.0 NSCHC Applicability .....	3
3.0 Timing .....	6
4.0 Eligibility and Suitability .....	8
5.0 Budgeting NSCHC.....	9
6.0 Documentation.....	11
7.0 Conducting NSCHC.....	13

## Introduction

AmeriCorps' (the agency) National Service Criminal History Check (NSCHC) is a screening procedure established by law to protect the beneficiaries of national service. This guidance must be followed per the NSCHC requirements ([45 CFR 2540.200 -- .207](#)). You may face enforcement remedies, including financial consequences, if you deviate from the requirements. This document outlines common questions related to NSCHC. For detailed information about grant recipient requirements, please review the [NSCHC Criminal History Check Manual Effective May 1 ,2021](#). The agency will periodically update these FAQs.

For FAQs regarding the transition period between the October 5, 2012 and May 1, 2021 NSCHC rule, refer to the [Interim NSCHC FAQ's](#).

## 1.0 NSCHC Context

### 1.1 How have NSCHC requirements changed over time?

November 23, 2007, agency regulations have required recipients to perform the NSCHC on individuals who have recurring access to a vulnerable population. Vulnerable populations include children 17 years of age or younger, persons age 60 and older, or people with disabilities.

On October 1, 2009, agency statutes expanded the requirements to check any person receiving a living allowance, stipend, national service education award, or salary through a grant recipient receiving AmeriCorps funds, regardless of their level of contact with a vulnerable population.

On January 1, 2013, the agency issued regulations to fully implement the 2009 statutory changes that required a fingerprint-based FBI criminal history check for those individuals in covered positions who have recurring access to vulnerable populations.

On February 24, 2021, AmeriCorps issued updated regulations to clarify and simplify NSCHC requirements. These regulations became effective May 1, 2021. The rule also required that within 180 days of the effective date of the rule, any individual who continues in an NSCHC-required position must have an NSCHC that complies with the May 1, 2021 effective rule. That is, each person in a NSCHC-required position who continues to work or serve on or after November 1, 2021 must have a check that complies with the May 1, 2021 regulation.

### 1.2 Is a background check the same as an NSCHC?

No. Background checks can mean many different things and have many different components, many of which may not be relevant to the NSCHC. For example, credit reports and interviews with personal references are examples of background checks that are not relevant to the NSCHC. In addition, not all background checks include all the necessary components of the NSCHC.

## 2.0 NSCHC Applicability

### 2.1 I am told that my organization is not eligible to receive criminal history checks because we are clearing people for employment. What do I do?

You should provide the following explanation: An NSCHC is required for a person to serve/work in an AmeriCorps grant program. It is not a check to approve employment. You may employ someone, but they may be prohibited from serving in an AmeriCorps grant program. Contact your Portfolio Manager immediately if you are not permitted to conduct required checks.

## **2.2 How can we determine if a staff person or national service participant, in a fixed-amount grant with no budget or FFR, is required to get NSCHC?**

All AmeriCorps state and national members who are over the age of 18 on the first day of service are required to obtain NSCHC.

Staff on fixed-amount grants are not required to obtain NSCHC. However, grant recipients are strongly encouraged to incorporate suitability screening and institute a holistic framework for safeguarding beneficiaries of service.

## **2.3 Are employers of partner organizations who supervise members or volunteers required to conduct NSCHC?**

Individuals in positions in which they receive a salary, directly or reflected as match, under a cost reimbursement grant are required to obtain NSCHC.

## **2.4 Do hourly-wage staff (i.e. not salaried) need to undergo the NSCHC?**

NSCHC requirements do not change based on whether an individual is paid hourly or salaried. A person who receives an hourly wage directly attributable to a NSCHC-required grant must obtain NSCHC.

## **2.6 Should my program perform checks on people who are otherwise not required to have an NSCHC? Will my grant cover the cost?**

Your program may choose to conduct NSCHCs on people in positions that do not require NSCHC compliance as an effective first step in prevention and safeguarding. You may include this as a grant operating cost or volunteer support expense in your grant budget proposal.

Please note that access to FBI checks through AmeriCorps approved vendor, Fieldprint, is limited to those individuals in positions that require NSCHC who are required by law to undergo a National Service Criminal History Check.

## **2.7 Some of our employees have not been in positions that require NSCHC, but we conducted checks on them anyway, anticipating they might one day be assigned to such duties. Do we have to re-check them once they are officially assigned?**

If you performed a compliant check on or after November 23, 2007, there is no need to perform a new check when that person starts working in a NSCHC-required position, as long as he or she has not had a break in employment since the check was performed. You are required to maintain the results of the check and to adequately document dates the person starts working in a NSCHC-required position.

However, if you only conducted some of the required components described in the May 1, 2021 NSCHC rule, then you must supplement the pre-existing checks with the additional required components.

**2.8 Our program design involves job training and job creation, and we pay wages to people who are in training and initial phases of gainful employment. Are these beneficiaries of the program required to comply with NSCHC?**

No. Even though the beneficiaries receive a form of financial benefit as part of the program's design rather than a program activity. A beneficiary who receives some financial benefit through a national service grant but who is not otherwise engaged in grant activities is not required to comply with NSCHC.

**2.9 Why don't the NSCHC rules cover community volunteers who are recruited by national service recipients?**

The NSCHC applies to AmeriCorps State and National members, stipended Foster Grandparents, stipended Senior Companions and individuals in positions that will receive a salary, directly or reflected as match under cost reimbursement grants. Community volunteers do not receive this kind of compensation.

**2.10 A former VISTA member has been selected for a position in our national service program for which an NSCHC is required. Do we need to conduct a new NSCHC on this individual?**

Yes, you must conduct a completely new NSCHC. The criminal history checks that AmeriCorps does for VISTA members are not transferable to grant recipient organizations to satisfy the NSCHC requirements.

**2.11 What happens when an AmeriCorps Senior project relinquishes a grant and it is awarded to a replacement sponsor?**

The volunteers' criminal history checks may be transferred to the new sponsor with the volunteer files. The new sponsor is not required to recheck the volunteers if those files are complete and compliant. However, they must ensure that the checks met applicable regulations and correct any noncompliance they identify in order to avoid enforcement remedies, including financial consequences.

**2.12 My organization has a State and National operational grant that is a fixed amount award. Is NSCHC required?**

All AmeriCorps State and National members on AmeriCorps State and National operational grants are required to comply with NSCHC.

Only individuals in positions in which they will receive a salary, directly or reflected as match, under a cost-reimbursement grant are required to comply by NSCHC. Staff on fixed amount grant awards are not required to comply with NSCHC.

**2.13 Are financial or non-programmatic staff required to conduct NSCHC? (Updated 4/16/21)**

Staff on an NSCHC-required grant who are in a position in which they will receive a salary, directly or reflected as match, under a cost reimbursement grant are required to comply with NSCHC. Please refer to your budget to see if financial or non-programmatic staff are paid with direct and/or match funds. Staff whose activities are entirely covered in the indirect cost rate or cost allocation plan are not required to comply with NSCHC. Staff working on a fixed amount grant are not subject to the NSCHC requirements after May 1, 2021.

**2.14 Are RSVP advisory board members, who receives a stipend per county code, required to comply with NSCHC? (Updated 4/16/21)**

Only staff on an NSCHC-required grant who are in a position in which they will receive a salary, directly or reflected as match, under a cost reimbursement grant are required to comply with NSCHC.

**2.15 Do AmeriCorps member supervisors at host sites count as staff? (Updated 4/16/21)**

Only staff on an NSCHC-required grant who are in a position in which they will receive a salary, directly or reflected as match, under a cost reimbursement grant are required to comply with NSCHC

## 3.0 Timing

**3.1 Is the recipient program required to conduct a second NSCHC on an applicant who defers service for a year?**

Candidates who are selected and have cleared their NSCHC may defer or delay their start of service without undergoing a new NSCHC. Service delay or deferral is permitted for up to one (1) year, but the approved program design must include this option. The agency recommends that programs develop a written policy on how to handle NSCHC for people who defer service.

**3.2 Our program receives thousands of applications to serve. Performing NSCHCs on everyone who applies for a position or to serve can be very burdensome and expensive. Is there a better way to manage this workload?**

Your program's NSCHC policy and procedures should identify at which point applicants are checked. However, please note that all checks must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check *before* a person begins to work or service

### **3.3 Does administrative leave, sick leave, summer breaks, or not actively working with a client constitute a break in service?**

No. A break in service means that a person is no longer working or serving in a position for which they receive an education award, AmeriCorps Seniors stipend or salary under an applicable agency grant.

### **3.4 How far in advance of participation in a recipient program should we conduct the NSCHC? (Updated 4/16/21)**

Recipients may start conducting the NSCHC from the point of application. A check conducted as close as possible to start date will provide the most accurate information. The regulations require all checks must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check before a person begins to work or serve.

If grant recipients are experiencing delays with their state repository AmeriCorps approved vendors have an average turnaround time of two to five days, depending on the type of check and source.

For candidates who are selected and have cleared their NSCHC may defer or delay their start of service without undergoing a new NSCHC. Service delay or deferral is permitted for up to one (1) year, but the approved program design must include this option. The agency recommends that programs develop a written policy on how to handle NSCHC for people who defer service. Programs should also include a memo to the file explaining the deferment.

Grant recipients may also choose to conduct supplemental checks or rechecks. Please note that all costs will be disallowed if the individual is ineligible to serve.

### **3.5 What if the results of NSCHC are still pending but the individual is scheduled to start service/work imminently?**

The individual may not begin work/service while NSCHC results are still pending. The regulations require all checks must be conducted, reviewed, and an eligibility determination made by the grant recipient or subrecipient based on the results of the National Service Criminal History Check before a person begins to work or service.

Grant recipients may face enforcement remedies, including financial consequences, if grant recipients deviate from the requirements.

### **3.6 When must I supplement checks?**

If an individual is serving a consecutive term and turns 18 before the start of the subsequent term of service, NSCHC must be conducted.

### **3.7 Do we have to conduct an NSCHC every year for each participant?**

No. The NSCHC is required only once for any person who applies to work or serve in an NSCHC-required position.

If the break in service or work is less than 180 days, then no additional NSCHC is required, if the original NSCHC checks are compliant with the NSCHC regulation effective May 1, 2021.

However, if the person turns 18 before the start of the subsequent term of service, NSCHC is required. Refer to [NSCHC Manual](#) for additional information about breaks in service.

### **3.8 A break in service of less than 180 days does not require an NSCHC recheck. Does the 180 days refer to calendar or business days? (Updated 4/16/21)**

180 days refers to 180 calendar days.

### **3.9 Is there a limit to how long leave for staff/member/volunteer can be before considering it a break in service? (Updated 4/16/21)**

Leave should be defined in the grant recipient policies and procedures.

### **3.10 Is furlough considered a break in work? (Updated 4/16/21)**

If the staff person is still employed at the grant recipient, there is no break in work.

### **3.11 Do checks need to be conducted again after a certain amount of time? (Updated 4/16/21)**

NSCHC is required to be conducted before the start of service/work and need to be redone if the break in service is more than 180 days or if the individual turns 18 before a subsequent term. Grant recipients may choose to reconduct checks after a certain amount of time and need maintain original checks and all documentation.

### **3.12 Can you confirm if NSCHC must be conducted, reviewed, and an eligibility determination made "before the start of work" or "the day before the start date"? (Updated 4/16/21)**

NSCHC should be completed, reviewed and an eligibility determination made no later than the day before the start date.

## **4.0 Eligibility and Suitability**

### **4.1 What does it mean to be required to be listed on a sex offender registry?**

In some situations, a person may have been convicted of an offense and ordered by the court to register as a sex offender, but he or she did not register. Since the NSOPW check only identifies people who have registered, programs must also use candidate's criminal history information to check for any offenses for which the candidate was required to register under state law but did not.



Individuals who are required to be listed on sex offender registry are ineligible to serve/work on AmeriCorps grants.

#### **4.2 My program involves people with criminal histories. Is there anything additional that I must do?**

In situations where an ex-offender applies to serve or work, officials may take into consideration the type of service or program activity the applicant would do, the specific crime they committed, and the various supervisory levels that exist to manage the risks associated with an ex-offender's participation in the program. However, murder and conviction of any offenses that require registration on a sex offender registry are disqualifying offenses without exception. Refer to the [NSCHC Manual](#) for additional information about non-disqualifying convictions and the federal reentry policy.

#### **4.3 If we de-select a person for an AmeriCorps position based on criminal history, can we refill that position?**

The refill policy applies. Recipients should consult the guidance in the Terms and Conditions referencing re-fill policy and changes in member positions.

Please note that grant recipients must provide a reasonable opportunity for the applicant to review and challenge the factual accuracy of a NSCHC result before action is taken to exclude the person from the position. An organization's NSCHC policies and procedures should describe actions required to document challenges and determinations to exclude persons from participating.

## **5.0 Budgeting NSCHC**

### **5.1 The cost of conducting an NSCHC can be a financial burden for a recipient. Can AmeriCorps pay for these checks? (Updated 4/16/21)**

Yes. Applicants seeking to serve or work in a position that requires NSCHC may not be charged for the cost of any component of a National Service Criminal Check.

The total cost of conducting NSCHC is an allowable program operating cost (called a "volunteer support expense in AmeriCorps Senior programs) and should be included in the budget. Recipients should project all cost components such as fingerprinting, notarization, mailing, and state repository and FBI fees.

### **5.2 Are recipients allowed to use current year grant funds to pay NSCHC costs for members who will be enrolled in the next program year? If not, may recipients defer the costs and charge them to the new grant year (as budgeted) even if the expense was incurred prior to the project start date?**

NSCHC costs are allowable costs that are not required to be associated with a particular program year. The funds that a recipient has budgeted for checks are

not limited to use during a particular period. They can be used to perform checks on any person in a position who needs the NSCHC at that moment in time. The costs are allocable to the recipient at that moment in time because checks are required upon application to serve/work. Waiting for a future budget to start the checks is not an option and incurring the cost today and posting it against a future date would be improper accounting.

**5.3 Programs cannot charge an applicant for the cost of conducting the NSCHC. Does this mean that we can't charge an applicant and later reimburse him or her for this cost?**

Programs are permitted to ask a candidate to pay for the check(s), as long as the program reimburses the applicant for the cost of conducting the check(s). The person who is serving or working in the position that requires NSCHC may not be charged for the cost of any component of a National Service Criminal History Check. An organization's NSCHC policies and procedures should describe the actions required for paying for checks and, if applicable, the actions required to reimburse a candidate for the cost of conducting the checks.

**5.4 I'm a VISTA sponsor who receives a VISTA support (S&T) or program grant. The "Grantee Share" column of my grant budget reflects staff salaries. Do I have to conduct an NSCHC for staff whose salaries are reflected solely on the "Grantee Share" column of the VISTA grant budget and paid entirely from non-federal funds?**

No, you don't have to do an NSCHC for staff whose salaries are reflected solely on the "Grantee Share" column of the VISTA grant budget and paid entirely from non-federal funds. VISTA grants do not require the sponsor to provide a specified level of matching funds in order to be eligible to spend the federal funds. Amounts reflected in the "Grantee Share" are for informational purposes.

**5.5 Are staff on cost allocation plans required to comply with NSCHC? (Updated 4/16/21)**

No, a NSCHC is not required for staff whose activities is entirely included in the grant recipient's cost allocation plan. Such staff will be treated similarly as staff whose activities are entirely included the grant recipients indirect cost rate and are exempt from complying with NSCHC.

Central service cost allocation plan (cost allocation plans) means the documentation identifying, accumulating, and allocating or developing billing rates based on the allowable costs of services provided by a state, local government, or Indian tribe on a centralized basis to its departments and agencies. (2 CFR §200.9)

Indirect cost rate proposal means the documentation prepared by a non-Federal entity to substantiate its request for the establishment of an indirect cost

rate as described in appendices III through VII and appendix IX to this part. (2 CFR § 200.1)

### **5.6 What is an allowable cost associated with NSCHC? What is included in NSCHC components? (Updated 4/16/21)**

NSCHC cost components can include costs directly associated with obtaining or rechecking an NSCHC such as the cost of checks themselves, additional fingerprinting fees, postage, etc.

Grant recipients may pay for additional costs such as mileage and time for existing members/volunteers/staff as allowed by their grant budget and policies/procedures.

Grant recipients may pay for additional costs such as mileage for applicants as allowed by their grant budget and policies/procedures. They may not pay for time as the applicant is not yet associated with the program.

### **5.7 Who is required to pay for the NSCHC if the individual wants to challenge the factual accuracy of their results? (Updated 4/16/21)**

The grant recipient may pay for costs associated with challenging the factual accuracy of NSCHC, as their budget allows and as noted in their policies and procedures.

## **6.0 Documentation**

### **6.1 May we retain only electronic records rather than paper files?**

There is no rule requiring criminal history check records to be paper based. You may save scanned images of criminal history check results and the associated documents, rather than paper documents. A program using an electronic record system should make sure that it meets all expectations for verifiable and auditable records. Given the critical nature of the date when the NSCHC was performed and when the individual began work or service, the program should make sure that any record – whether paper or electronic – clearly and without doubt establishes when the checks were performed, by whom, from what sources the information was obtained, and by whom the results were reviewed and considered in selecting the individual. Refer to the [NSCHC Manual](#) for additional information on NSCHC documentation requirements.

### **6.2 How should we store, secure, and file the results of the NSCHC?**

Grant recipients must take reasonable steps to protect the confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant.

NSCHC information should be maintained in a secure location under the control of an authorized records custodian. Only people who have an official need to

review the information should have access to the records. An organization's NSCHC policies and procedures should describe practices for safeguarding information related to NSCHC.

### **6.3 Must I store NSCHC records at the service site, or may I centralize the records at our headquarters?**

Records (electronic or hard copy) may be stored at any secure location, so long as they are accessible for timely routine use by the recipient, and for oversight and monitoring by AmeriCorps monitoring officials, without undue cost or delay.

### **6.4 When do I need to take the NSCHC eCourse? (Updated 4/16/21)**

AmeriCorps grant terms and conditions require grant recipients to retain the eCourse certificate of completion and assign staff to retake the course annually prior to the expiration of the certificate. Grant recipients should not allow their training certificate to expire and should ensure they complete the NSCHC eCourse that is available in Litmos

### **6.5 Who can we share NSCHC results with? (Updated 4/16/21)**

Grant recipients need to abide by the terms and conditions of the check you obtained, whether that is from AmeriCorps approved vendors Truescreen and Fieldprint or the state repository. Grant recipients need to take reasonable steps to protect the confidentiality of any information relating to the criminal history check, consistent with authorization provided by the applicant.

### **6.6 If state law prohibits sharing check results, what can I do to be compliant? (Updated 4/16/21)**

The NSCHC rule requires documentation of the National Service Criminal History Check as grant records to be maintained. If you are unable to provide the results because of state law, grant recipients can use AmeriCorps approved vendors, Truescreen and Fieldprint, whose results can be shared with AmeriCorps.

### **6.7 I am an AmeriCorps State and National grant recipient and I am using an approved Waiver or pre-approved Waiver. What date should I enter into the AmeriCorps portal when prompted to certify that I have completed NSCHC? (Updated 5/1/21)**

Enter the date that you conducted, reviewed, and adjudicated the results of the checks required for the individual.

Example 1: If you are using the Pre-Approved NFF Waiver, enter the date the required checks (NSOPW, non-NFF state (if applicable), FBI checks) were conducted, reviewed, and adjudicated.

Example 2: If you are using an approved waiver that modifies the timing requirement for the state and FBI check, enter the date the check that is required to be completed before the individual begins work or service (NSOPW) was conducted, reviewed, and adjudicated.

Example 3: If you are using an approved waiver that modifies the timing requirement for the FBI check, enter the date the check(s) that are required to be completed before the individual begins work or service (NSOPW, State(s)) were conducted, reviewed, and adjudicated.

## 7.0 Conducting NSCHC

### **7.1 What name should be checked when conducting a name-based criminal history check? (Updated 4/29/21)**

AmeriCorps expects that grant recipient staff will undertake reasonable due diligence to determine the current first and last name to conduct name-based checks. It is prudent, but not required, to check any other names that the person has used or is/was known by.

Grant recipients will need to detail in their policies and procedures how the current first and last name are determined when conducting a name-based check. AmeriCorps will review the policies, procedures, and documentation the grant recipient used. [Refer to agency guidance on name-based checks in the NSCHC Manual.](#)

### **7.2 Does a name change require a re-check? (Updated 4/16/21)**

If a member/volunteer/staff person has legally changed their name during their term of service/employment, and there is no break in service/work, there is no requirement to recheck NSCHC. Grant recipients are encouraged to add a memo to file describing the situation for future oversight activities.

### **7.3 Will there be changes to grant terms and conditions? (Updated 4/16/21)**

AmeriCorps will update their grant terms and conditions per the usual cycle. Please note that the order of precedence in the relevant authorities is reflected in the terms and conditions, with the statutory and regulatory requirements given precedence over other sources of authority.

### **7.4 Do checks need to be conducted again after a certain amount of time? (Updated 4/16/21)**

NSCHC is required to be conducted before the start of service/work and need to be redone if the break in service is more than 180 days. Grant recipients may choose to reconduct checks after a certain amount of time and need maintain original checks and all documentation.

## **7.5 What identifying information needs to be submitted for a transgender individual or an individual in transition? (Updated 4/29/21)**

AmeriCorps expects that grant recipient staff will undertake reasonable due diligence to determine the current first and last name to conduct name-based checks. It is prudent, but not required, to check any other names that the person has used or is/was known by.

Grant recipients will need to detail in their policies and procedures how the current first and last name are determined when conducting a name-based check. AmeriCorps will review the policies, procedures, and documentation the grant recipient used. [Refer to agency guidance on name-based checks in the NSCHC Manual.](#)

Also, be sure to refer to your NSCHC source (state repository or AmeriCorps approved vendor Fieldprint) for additional instructions on what name and supporting documentation is required to conduct the check.

## **7.6 Can I use Identogo or other vendors? (Updated 4/16/21)**

Grant recipients may use AmeriCorps approved vendors Truescreen and Fieldprint. Some state repositories contract state and FBI checks to vendors and other FBI channelers. If the state repository directs grant recipients to use their contracted channeler or vendor, that source is allowable.

## **7.7 Can I still use Truescreen for positions that are not required to comply with NSCHC? Is it an allowable cost? (Updated 4/16/21)**

Grant recipients may use Truescreen for positions that are not required to comply with NSCHC. It is an allowable cost.

## **7.8 Can I still use Fieldprint for positions that are not required to comply with NSCHC? Is it an allowable cost? (Updated 4/16/21)**

No, grant recipients may not use Fieldprint for positions that are not required to comply with NSCHC. The FBI only permits Fieldprint to conduct checks for individuals who are required to comply with NSCHC.

## **7.9 What states, territories, and Tribes are included in a Truescreen NSOPW check? (Updated 4/16/21)**

A Truescreen NSOPW check includes all reporting states, territories, and Tribes. Truescreen will not provide a NSOPW checks that is incomplete.

## **7.10 Will Fieldprint provide rap sheets? (Updated 4/16/21)**

Fieldprint is prohibited by the FBI from providing FBI rap sheets to grant recipients. Fieldprint will provide an adjudication recommendation of “cleared” or “not

cleared" based off of criteria that includes murder and offenses that require registration on a sex offender registry.

**7.11 Can you adjudicate in the vendor systems? (Updated 4/16/21)**

By May 1, 2021, it is expected that both AmeriCorps vendors, Truescreen and Fieldprint, will provide processes to adjudicate in system. Prior to May 1, 2021, this functionality was available only in Truescreen.

**7.12 Does Fieldprint have monitoring reports? (Updated 4/16/21)**

AmeriCorps is currently working with Fieldprint to add monitoring reports to grant recipient accounts.

**7.13 Can a prime grant recipient conduct all the checks for subgrant recipients? (Updated 4/16/21)**

A prime grant recipient may conduct all subgrant recipient or may delegate the task to subrecipients. The policy and process should be clearly defined.

**7.14 Can Commissions/Prime Grant recipients require subgrant recipients to use AmeriCorps-approved vendors? (Updated 4/16/21)**

A Commission may require the use of AmeriCorps approved vendors.