




AmeriCorps

Recommendations for Effective NSCHC Policy & Procedures

Office of Monitoring

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Document Overview:

When conducting a compliance assessment for NSCHC, the AmeriCorps Office of Monitoring will request and review a copy of an organization's adopted NSCHC policy and procedures. While AmeriCorps regulations at 45 CFR do not explicitly require that grantees have a policy, it is strongly recommended that programs create and maintain clear, written expectations for their NSCHC process, as appropriate to their organization's needs.

Policies and procedures can help organizations ensure compliance with laws and regulations, give guidance for decision-making, and streamline internal processes. It is an organizational best practice to have comprehensive, written NSCHC policy, procedures, guidance, or practices (henceforth referred to as "policy" in this document).

An effective policy will incorporate the procedural steps required by those responsible for conducting NSCHC and will identify how an organization's existing tools and systems will support the maintenance of adequate documentation related to NSCHC grant records. A checklist of recommended elements to include in NSCHC policy is below.

- Description of NSCHC as a condition of AmeriCorps grant funding and how the program intends to address all NSCHC requirements, including which AmeriCorps-approved sources will be used to conduct required checks
1. The policy should outline the NSCHC eligibility criteria. (45 CFR 2540.202)
 2. If a program has ever used or currently uses an NSCHC Waiver, the policy should require program staff to ensure any references or documentation are not outdated, and that appropriate documentation is retained if program-specific waivers are granted. (45 CFR 2540.207)
 3. The policy should require the program to ensure its screening practices comply with state and Federal Civil Rights and nondiscrimination laws, including Titles VI and VII of the Civil Rights Act of 1964 (and the Corporation's implementing regulations under Title VI). (45 CFR 2540.203)
 - a. If establishing suitability criteria beyond the NSCHC eligibility requirements of 45 CFR § 2540.202, the policy should identify the criteria that the grant recipient, subrecipient, or service site establishes. (45 CFR 2540.203)
 4. The policy must comply with requirements from the program's respective terms and conditions.
 - a. The program must identify the staff member position(s) with responsibility for the NSCHC process. (Program Terms & Conditions)

<p>b. The program must retain the certificate of completion of the annual AmeriCorps e-course training and assign staff to retake the course annually prior to the expiration of the certificate. In addition, programs must save the certificates of completion from each year as grant records. (Program Terms & Conditions)</p> <p>5. Where applicable, describes process for monitoring NSCHC of sub-recipients and/or service locations</p>
<p>□ Description of actions taken by staff member to determine who must have a NSCHC and which elements of the NSCHC will be required for the individual</p>
<p>6. The policy should explain how to determine if an individual is subject to NSCHC requirements. (45 CFR 2540.201)</p> <p>7. The policy should specify the criminal history checks that are needed, and which AmeriCorps approved sources will be used for conducting the required checks. (45 CFR 2540.204)</p>
<p>□ Description of actions taken by staff member to inform individual of their rights related to NSCHC, information privacy practices, and how NSCHC results will be used by the program</p>
<p>8. The policy should require the program to obtain prior written authorization from the individual for both the state and FBI checks, and for the appropriate sharing of the results of the checks with the program. (45 CFR 2540.206)</p> <p>9. The policy should describe how notice is provided to an individual that selection into the program is contingent upon the organization's review of the individual's NSCHC results, if any. (45 CFR 2540.206)</p> <p>10. The policy should describe how the program complies with the requirement to provide reasonable opportunity for the individual to review and challenge the accuracy of the results prior to excluding the individual from the position. (45 CFR 2540.206)</p> <p>11. The policy should describe how the program provides safeguards to ensure the confidentiality of any information related to the NSCHC, consistent with the authorization provided by the applicant. (45 CFR 2540.206)</p> <p>12. The policy should specify that the program must ensure that any applicant seeking to serve or work in a position that requires NSCHC may not be charged for the cost of any component of a NSCHC, unless specifically approved by AmeriCorps. (45 CFR 2540.206)</p>

<ul style="list-style-type: none"> □ Description of actions taken by staff member to conduct the required checks using approved AmeriCorps sources, and how to document adherence with key timing requirements
<p>13. The policy should explain that results of the nationwide NSOPW check, state, and FBI checks required under 45 CFR 2540.202 must be reviewed and an eligibility determination made before an individual subject to NSCHC begins work or starts service. (45 CFR 2540.205)</p> <p>14. The policy should specify when the NSCHC must be conducted again for an individual's relationship with the grantee/sponsor that is terminated for a period of more than 180 days. (45 CFR 2540.205)</p> <p>15. The policy should explain the process used to determine the current first and last name used on a name-based check. Refer to agency guidance on name-based checks.</p>
<ul style="list-style-type: none"> □ Description of actions taken by staff member to review and consider results of each element of NSCHC in selecting an individual
<p>16. The policy should require documentation in writing that the program conducted the required checks for the position.</p> <ul style="list-style-type: none"> a. The policy should require that the program maintain documentation of the National Service Criminal History Check as grant records. (45 CFR 2540.206) Grant records should be maintained in accordance with 2 CFR 200.334. b. The policy should describe the process for reviewing and making an eligibility determination and what documentation is maintained. (45 CFR 2540.205) c. The policy should describe the process to determine eligibility if a vendor's adjudication recommendation is "not to recommend."

This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.