

Revised September 2014

Justice Center Guidance for Providers
for Staff Exclusion List Checks and Criminal Background Checks

Staff Exclusion List (SEL)

Who must request a check of the SEL?

Before determining whether to hire or otherwise allow any person as an employee, administrator, consultant, intern, volunteer or contractor who will have the potential for regular and substantial contact with a service recipient, the following must request the Justice Center to conduct a check of the SEL:

- 1) all facility and provider agencies, as defined in Social Services Law §488(4);
- 2) other providers of services to vulnerable persons in programs licensed, certified or funded by a State oversight agency (OMH, OPWDD, OCFS, OASAS, DOH and SED); and
- 3) those required to make an inquiry of the Statewide Central Register of Abuse and Maltreatment (SCR) as defined Social Services Law 424-a(3) and (4).

Authorized Person Designation Forms

All forms are found on the Forms tab of the Justice Center website, www.justicecenter.ny.gov.

- For only SEL checks

The DOH and SED providers who fit within 1-3 above are authorized to request only a check of the **SEL** through the Justice Center. In addition, OCFS providers who do not operate a residential program for children are also authorized the request only a check of the SEL through the Justice Center. These providers should select Authorized Person(s) who will be able to request an SEL check. Each selected person should submit an [Authorized Person Designation Statement Form Justice Center Staff Exclusion List \(SEL\) Check](#).

- For both CBC and SEL checks

The following providers are authorized to request both a **Criminal Background Check (CBC)** and a **SEL** check request through the Justice Center:

- 1) all those who previously conducted fingerprint-based background checks through OMH CHITS pursuant to Mental Hygiene Law §31.35 and Executive Law §845-b;
- 2) all those who previously conducted fingerprint-based background checks through OPWDD FP/CAPS system (including OPWDD registered and voluntary providers) pursuant to Mental Hygiene Law 16.33 and Executive Law 845-b; and
- 3) all those who operate OCFS licensed or certified residential programs for children pursuant to Social Services Law §378-a(1).

The foregoing providers should select Authorized Person(s) who will be able to request, receive and review criminal history record information as well as request a SEL check. After December 18, 2013, each selected person should submit an [Authorized Person Designation and Sworn Statement Form for CBC](#) and an [Authorized Person Designation Statement Form Justice Center Staff Exclusion List \(SEL\) Check](#).

The existing Authorized Persons in the OMH system and the Authorized Parties in the OPWDD system were carried over into the new Justice Center CBC system so as to not disrupt fingerprint response transmissions, however, each existing Authorized Person or Party was required to submit the **Authorized Person Designation and Sworn Statement Form for CBC and SEL Checks**. After December 18, 2014, each new Authorized Person should submit an [Authorized Person Designation and Sworn Statement Form for CBC](#) and an [Authorized Person Designation Statement Form Justice Center Staff Exclusion List \(SEL\) Check](#).

Conducting SEL Checks

After December 18, 2013, once the Authorized Person (AP) form(s) have been submitted, the APs should request a check of the SEL via the online webform available on the Forms tab of the Justice Center's website: [Request for Staff Exclusion List Check Webform \(Online Request\)](#)
This request should only be submitted for applicants that the Provider is seriously considering hiring.

If the AP's email address is not accepted on the webform, he or she should send an email to cbc@justicecenter.ny.gov to request assistance.

The SEL check online webform is not available if the applicant does not have a social security number or alien registration number. In these cases, the AP may request special processing by submitting the [Request for Staff Exclusion List Check Form \(Fax Request Only\)](#) via fax to the Justice Center for applicants that the Provider is seriously considering hiring.

Please note: this form may not be used if the Applicant has a social security number or alien registration number. Authority for collecting the social security number for the purpose of conducting a SEL check is found at 14 NYCRR Part 702 and may be accessed via the following link which is found on the Resources tab of the Justice Center website:
<http://www.justicecenter.ny.gov/regulations-guidance/regulations/adopted/uossn>

The provider must await the Justice Center's response to the SEL request before proceeding with the hiring process. If an individual applicant is on the SEL, facilities and provider agencies, as defined in Social Services Law §488(4), and other providers of services in programs licensed or certified by a State Oversight Agency (i.e. OMH, OPWDD, OCFS, OASAS, DOH and SED) may **not** hire that individual. There is no need to proceed with a criminal background check.

CBC Process

As of September 18, 2014, Providers for OMH, OPWDD, and OCFS Providers operating a residential program for children will be submitting prints through MorphoTrust.

All of the Provider's Authorized Persons (AP) will still receive encrypted emails determinations and will be able to access the Justice Center's CBC system to view determinations and notifications of subsequent arrest and also update employment status of its applicants. The CBC User Guide has been updated and is available in the CBC under the Help tab and also on the Justice Center's website under the Pre-Employment Checks tab.

OPWDD Providers: Please note – records for applicants for OPWDD Providers who were fingerprinted prior to July 1, 2013, will be uploaded to the Justice Center's CBC system by the end of September or early October.

For OMH providers:

- As of September 18, 2014, OMH Providers transitioned to a new fingerprint submission process.
- Please select the OMH Providers Move to MorphoTrust Info drop down menu on the Pre-Employment Check tab of the Justice Center's website (www.justicecenter.ny.gov) for guidance memos and other information about the new submission process.

For OPWDD Providers:

- As of July 14, 2014, OPWDD Providers transitioned to a new fingerprint submission process.
- Please select the OPWDD Providers Move to MorphoTrust Info drop down menu on the Pre-Employment Check tab of the Justice Center's website (www.justicecenter.ny.gov) for guidance memo from OPWDD sent on June 6, 2014 and other information about the new submission process.

For OCFS Providers who operate residential programs for children:

- The provider must obtain the consent of the individual subject to a criminal background check before proceeding. The Applicant should complete the [Applicant Consent Form for Fingerprinting for Justice Center Criminal Background Check](#). It must be signed by the Applicant and maintained by the provider/agency.
- The state has contracted with MorphoTrust USA to conduct all fingerprinting related to criminal background checks for OCFS providers of residential programs for

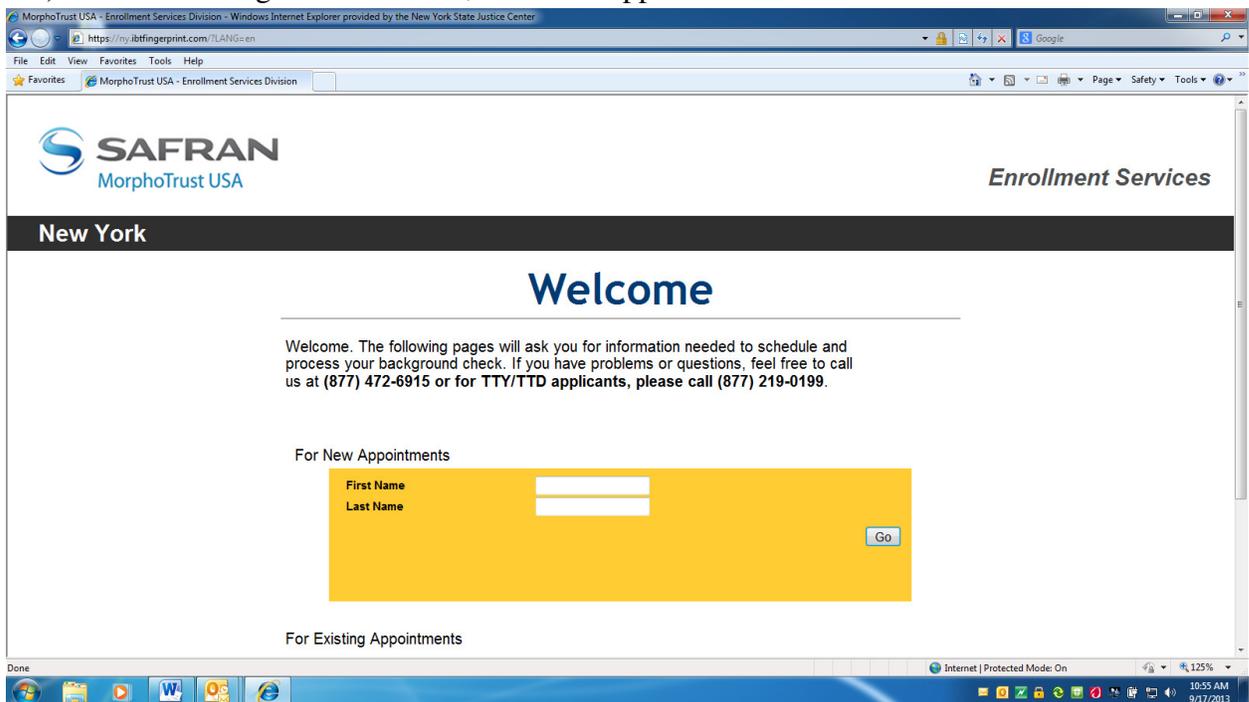
children. The MorphoTrust USA website provides information on fingerprinting locations and allows for online scheduling. To schedule an appointment for fingerprinting go to the www.identogo.com website or call the MorphoTrust toll-free call center at (877)-472-6915. Appointment scheduling via the website is available 24/7/365. Appointment scheduling via the call center is available 9am-9pm Monday through Saturday.

OCFS Providers

Instructions for Fingerprinting at a MorphoTrust Location

OMH and OPWDD providers please click on links about for guidance

1) On the first registration screen, enter the Applicant's name:

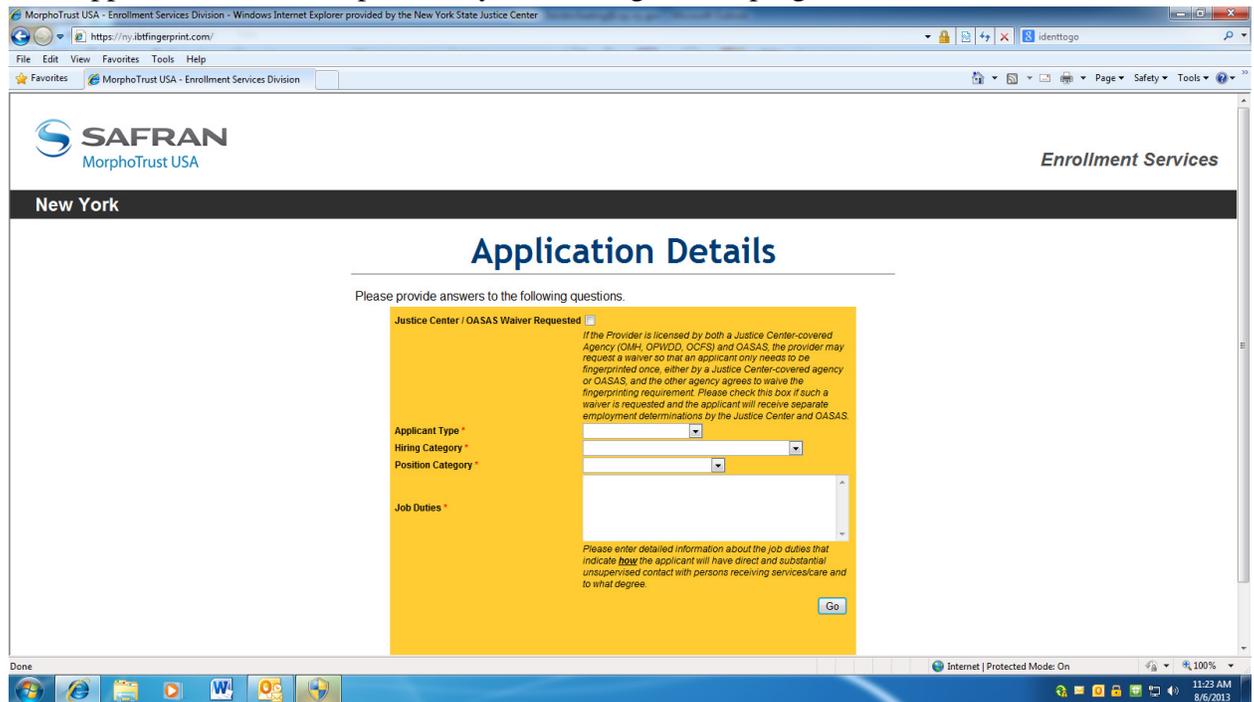


The screenshot shows a web browser window displaying the MorphoTrust USA Enrollment Services website. The page features the SAFRAN MorphoTrust USA logo and the text 'Enrollment Services'. Below the logo, it says 'New York' and 'Welcome'. A message reads: 'Welcome. The following pages will ask you for information needed to schedule and process your background check. If you have problems or questions, feel free to call us at (877) 472-6915 or for TTY/TTD applicants, please call (877) 219-0199.' There is a form for 'For New Appointments' with fields for 'First Name' and 'Last Name', and a 'Go' button. Below the form, it says 'For Existing Appointments'.

- 2) On the next screen enter NY922286Z as the ORI number – **to be used only by OCFS Providers.**
- 3) When scheduling an appointment online, after entering ORI number, you will be prompted for your Provider Id. Your provider name should appear and you will be asked if it is the correct provider.
- 4) The next screen contains Application Details. For OCFS providers:
 - from the Applicant Type drop down, please select Direct Service Provider (even if it is a volunteer);
 - from the Hiring Category, please select New Hire;
 - from the Position Category, please select Residential Care,

- then type in a detailed description of what that applicant’s job duties will be,
- the select Go.

Do not select the Justice Center/OASAS waiver requested box unless you are a provider that operates both an OCFS residential program for children and an OASAS program and have applicants that would potentially be working at both programs.



- 5) Upon selecting Go, you will be taken to a screen for selecting the fingerprinting location. After selecting the location and time for appointment, an Applicant Information screen will appear where you will enter the applicant’s demographic information.
- 6) Payment options include: personal or business check, government check, certified check, bank check, money order, credit card or MorphoTrust escrow account. Payment is made to “MorphoTrust USA”. Should your office desire to enter into an account arrangement with MorphoTrust, information regarding escrow account arrangements may be found at www.idntogo.com. Select “NY” and then click on “Forms and Links”.

The fingerprinting fee will be comprised of the total fingerprint search fee(s) plus the MorphoTrust USA vendor fee. The total fee is made to MorphoTrust USA.

The DCJS fingerprint search fee remains at \$75.00

The FBI fingerprint search fee is \$16.50.

The MorphoTrust vendor fee is \$10.75 as of July 1, 2013.

The MorphoTrust vendor fee relates to the software, equipment and staffing costs in connection with the services they are providing to capture and transmit the electronic fingerprint submission. The fee is assessed twice per year and can change on Jan 1st and July 1st. The highest level it can be set is \$11.75 – as more input comes through the MorphoTrust network, the fee may decrease.

- 7) The applicant will go to the fingerprinting location and must bring 2 forms of identification, at least one of which must have a photo. If payment was not done on-line when the appointment was scheduled, payment should be brought to the fingerprinting location.

<u>Column A – Valid Photo Identification</u>	<u>Column B – Valid Supplementary Identification</u>
U.S. Passport (unexpired or expired)	Voter Registration Card
Permanent Resident Card	U.S. Military Card or Draft Record
Alien Registration Receipt Card	Military Dependent's ID Card
Unexpired Foreign Passport	Coast Guard Merchant Mariner Card
Driver's License or Photo ID Card (issued by U.S. State or Territory)	Native American Tribal Document
School or College ID Card (with photo)	Canadian Driver's License
Unexpired Employment Authorization with photo (Form I-766, I-688, I-688A or B)	U.S. Social Security Card
Photo ID Card issued by Federal, State or Local Government	Certification of Birth Abroad (Issued by U.S. Department of State)
	U.S. Citizen ID Card (Form I-7)

- 8) At the fingerprinting location, the identification documents will be reviewed, fingerprints rolled and photo taken. Once the applicant has been fingerprinted, MorphoTrust immediately launches the fingerprint transaction and photo to the New York State Division of Criminal Justice Services (DCJS) for processing.
- 9) The applicant will be provided two receipts indicating the applicant's name, fingerprinting site location, date and time, fee paid and reason for fingerprinting. You may choose to request that the applicant provide one of those receipts to your agency and retain the other copy for their records.
- 10) Upon completion of the fingerprint search process, the DCJS response will be delivered electronically to the Justice Center. The Justice Center will review the search results and advise your agency of its determination.