

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 any State oversight agency (OMH, OPWDD, OCFS, 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).

The DOH, SED and OCFS providers who fit within 1-3 above are authorized to 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 and Sworn Statement Form for SEL Checks (JC CBC 2 form)**.

Criminal Background Check

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 residential programs for children which are licensed or certified by OCFS 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. Each selected person should submit an **Authorized Person Designation and Sworn Statement form for CBC and SEL Checks. (JC CBC 1 form)**.

The existing Authorized Person in the OMH system and the Authorized Party 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 is required to submit the new **Authorized Person Designation and Sworn Statement form for CBC and SEL Checks. (JC CBC 1 form)**.

Once the Authorized Person form(s) are submitted, providers should submit the **Request for Staff Exclusion List Check Form (JC CBC 3)** via fax to the Justice Center for applicants who are seriously being considered for hiring. This form must be faxed because privacy laws place limitations on the transmission of social security numbers via email. 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, SED and DOH) may **not** hire that individual. There is no need to proceed with a criminal background check.

PLEASE NOTE: All providers must submit the appropriate Authorized Person Designation form and the Request for Staff Exclusion List Check Form to the Justice Center. The Authorized Person form may be mailed, emailed, or faxed. The Staff Exclusion List Check Request form must only be faxed.

CBC Process

The CBC process then differs depending on whether the provider is an OMH provider, OPWDD provider, or an OCFS provider operating a residential program for children.

For OMH providers:

- The CBC process remains largely unchanged.
- OMH providers can enter the applicant information directly into the Justice Center's CBC system.
- The **Applicant Consent Form for Fingerprinting for Justice Center Criminal Background Check (JC CBC 4)** will be prefilled by the Justice Center CBC system and must be signed by the Applicant and maintained by your agency.
- Upon completion of entering the applicant's data, the **Applicant Fingerprint Authorization Form** is printed from the Justice Center's CBC system and provided to the applicants to take with them to the fingerprinting location.
- OMH providers do not have to fill out the Request for Criminal History Record Check form, that is for OPWDD providers only.
- The Justice Center will send its determination to the providers Authorized Person(s).

- When there is a change in status for an applicant, the OMH provider is responsible for notifying the Justice Center through the CBC system.

For OPWDD Providers:

- The fingerprint submission process remains largely unchanged, the same LIVESCAN locations will be used.
- The provider and applicant will be required to fill out the **Applicant Consent Form for Fingerprinting for Justice Center Criminal Background Check form (JC CBC 4 which replaces OPWDD 105 form)**. It must be signed by the Applicant and maintained by the provider/agency, the Applicant must also bring a copy of it to the fingerprinting location.
- The **Request for Criminal History Record Check form (JC CBC 5 which replaces OPWDD 106 form)** must be filled out by the provider's Authorized Person and maintained by the provider/agency. The applicant must also bring a copy to the fingerprinting location.
- The **Fingerprint Submission Authorization Form (JC CBC 6 which replaces OPWDD 107 form)** must be filled out by both applicant and provider and taken by the applicant to the fingerprinting location.
- The **Change in Status form (JC CBC 7 which replaces OPWDD 104 form)** is to be completed and mailed to the Justice Center CBC processing Unit at 502 Balltown Road, Schenectady, NY 12303-0005.

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 form (JC CBC 4)**. It must be signed by the Applicant and maintained by the provider/agency, the Applicant must also bring a copy of it to the fingerprinting location.
- The state has contracted with MorphoTrust USA to conduct all fingerprinting related to criminal background checks under the Justice Center Act for OCFS providers of residential programs for children. The MorphoTrust USA website (www.identogo.com) provides information on fingerprinting locations and allows for online scheduling.

Instructions for Fingerprinting at a MorphoTrust USA Enrollment Services Live Scan Location

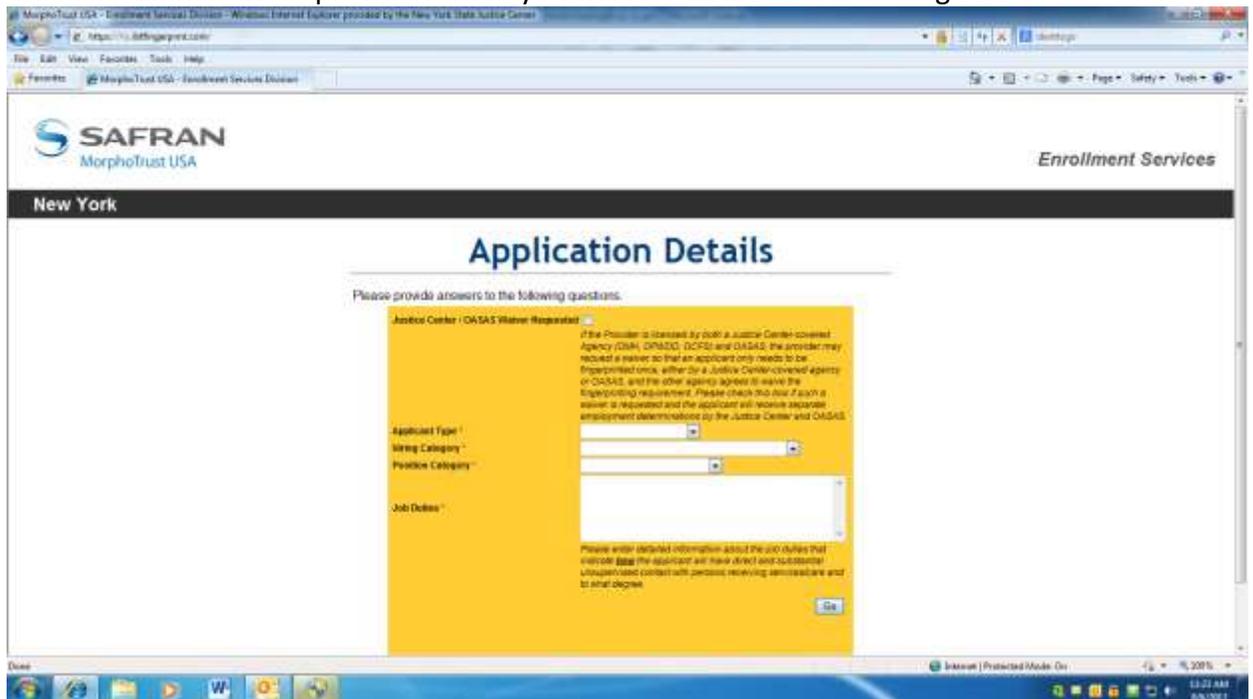
- 1) Provide the applicant seeking a position (operator, employee or volunteer) with the residential program for children licensed or certified by OCFS with the ORI number:

NY922286Z. The appointment scheduling process requires the applicant to provide the correct ORI number.

- 2) Provide the applicant with the correct Fingerprint Reason: Child Care to be selected when they making an appointment with MorphoTrust.
- 3) Direct the applicant to schedule an appointment for fingerprinting by going to the www.identogo.com website or calling their 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.

If the applicant schedules their appointment through the MorphoTrust website, recommend that they print out the confirmation page and bring it with them to their appointment.

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. Then you will be taken to the following screen:

The image is a screenshot of a web browser displaying the MorphoTrust USA Enrollment Services Division website. The browser's address bar shows the URL 'https://www.identogo.com'. The website header includes the 'SAFRAN MorphoTrust USA' logo and the text 'Enrollment Services'. Below the header, there is a navigation bar with 'New York' selected. The main content area is titled 'Application Details' and contains a form with the heading 'Please provide answers to the following questions.' The form has a yellow background and includes a 'Waiver Requested' checkbox, a 'Job Duties' text area, and several dropdown menus for 'Applicant Type', 'Hiring Category', and 'Position Category'. A 'Go' button is located at the bottom right of the form. The browser's taskbar at the bottom shows the date as 11/23/2010 and the time as 11:23 AM.

If you are not an OASAS provider, please ignore the waiver requested box. 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. 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.

- 4) 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.identogo.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.

- 5) The applicant will go to the fingerprinting location and bring 2 forms of identification, at least one of which must have a photo. When they schedule their appointment, they will be given the options of what forms of identification are considered acceptable. Such options include driver's license, US Passport, Social Security Card, etc. If they did not already pay on-line when they scheduled their appointment, they will also need to bring their payment to the fingerprinting appointment.
- 6) 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.
- 7) 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.

- 8) 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.
- The **Change in Status form (JC CBC 7)** is to be completed and mailed to the Justice Center CBC processing Unit at 161 Delaware Avenue, Delmar, NY 12054.

CBC Forms

Authorized Person Designation and Sworn Statement form for CBC and SEL Checks (JC CBC 1)

Authorized Person Designation and Sworn Statement Form for SEL Checks (JC CBC 2)

Request for Staff Exclusion List Check Form (JC CBC 3)

Applicant Consent Form for Fingerprinting for Justice Center Criminal Background Check (JC CBC 4 which replaces OPWDD 105 form)

Request for Criminal History Record Check form (JC CBC 5 which replaces OPWDD 106 form)

Fingerprint Submission Authorization Form (JC CBC 6 which replaces OPWDD 107 form)

Change in Status form (JC CBC 7 which replaces OPWDD 104 form)

Personal Criminal History Information Review (JC CBC 8)

Authorized Person Revocation (JC CBC 9 which replaces OPWDD 103 form)

Annual Criminal History Record Check Statement or Annual Roster (JC CBC 10 which replaces OPWDD 109 form)