



**Mt. Lebanon
Criminal History and Child Abuse History Clearance Policy
(Revised October 2016)**

Pursuant to the Pennsylvania Child Protective Services Law (PaCPSL), all employees, volunteers, contractors and subcontractors engaged by Mt. Lebanon, and who are anticipated in their service to have responsibility for the welfare of children or direct contact with children, including routine interaction, care, control, guidance, supervision or training, (collectively, "Covered Individuals") are generally required to submit:

1. A Pennsylvania State Police Criminal History Report (PSP).
2. A Child Abuse Clearance Report (Child Abuse).
3. A Federal Criminal History Report (FBI).

This policy refers to these three required records/reports as "Clearances".

Prospective Covered Individuals must generally provide their Clearances as a pre-condition of engagement. Existing Covered Individuals must generally provide Clearances and/or renew Clearances every 60 months.

FEES FOR CLEARANCES

The cost of obtaining Clearances, if any, is the responsibility of the Covered Individual.

Applicants for employment who are subsequently hired as a Municipal employee and maintain employment for at least 30 calendar days will be reimbursed for the actual costs of obtaining the Clearances, provided that the Clearances were obtained specifically for Mt. Lebanon employment.

Only employees will be reimbursed for the cost of the Clearances.

AFFECTED EMPLOYEES

- Any prospective Municipal employee who is a Covered Individual under this policy generally must obtain the Clearances before becoming a Municipal employee (see also Provisional Hiring Period).
- This policy applies to all Employees fourteen years of age and older working in the Recreation, Library, Police and Fire Departments. Such individuals will be deemed to have regular contact with children for the purposes of this policy, and thus are considered Covered Individuals. Other employees will be included as appropriate.

Provisional Hiring Period for Employees

A Covered Individual who is an employee may be employed for a single period, not to exceed 90 days, if ALL of the following conditions are met:

- The applicant has applied for the three required Clearances and he/she provides a copy of the completed forms to the Municipality;
- The Municipality has no knowledge of information pertaining to the applicant which would disqualify him or her from employment;
- The applicant swears or affirms in writing that he/she is not disqualified from employment pursuant to the grounds for denying employment in § 6344 (c) of the PaCPSL or has not been convicted of an offense of a similar nature to those crimes under the laws or former laws of the United States, or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth. (A form for this purpose is available from the Municipality).
- The applicant is not permitted to work alone with children and must work in the immediate vicinity of a permanent employee.

Exceptions for Minors

A minor, between 14 and 17 years of age, applying for or holding a paid position in which they would be responsible for the child's welfare or have direct contact with children through a program, activity or service is only required to submit their child abuse and PSP certifications if the following apply:

- (1) They have been a resident of this commonwealth during the entirety of the previous 10-year period or, if not a resident of PA during the entirety of the previous 10-year period, has received an FBI certification at any time since establishing residency in PA and provides a copy of the certification to the employer.
- (2) The employee and their parent or legal guardian swears or affirms in writing that they are not disqualified from service under the grounds for denying employment under § 6344 (c) of the PaCPSL, or have not been convicted of an offense similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this commonwealth.

Transfer of Clearances

Employees may transfer current Clearances for employment with other departments within the Municipality. Prospective employees may also transfer current Clearances from another place of employment. However, when transferring clearances prior to beginning new employment or service, an employee must swear or affirm in writing that they have not been disqualified from employment or service under section 6344(c) of the Pa CPSL, or have not been convicted of an offense similar in nature to a crime listed in section 6344(c) under the laws or former laws of the United States or one of its territories or possessions, another

state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this commonwealth.

Renewal

Clearances must be obtained every 60 months.

Reporting Requirements

If a Covered Individual is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee must provide the Personnel Officer or Department Director with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

An employee who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.

AFFECTED INDIVIDUALS OTHER THAN EMPLOYEES

- Covered Individuals other than employees (as defined above) age eighteen and older must obtain Clearances in the same manner and provide them to the Municipality.
- Prospective contractors and/or subcontractors who would be Covered Individuals under this policy must obtain and present Clearances prior to engaging in any business with the Municipality. Clearances must remain current (less than 60 months old) at all times.

Volunteer Clearances

Prospective adult (18 years and older) volunteers who would be Covered Individuals under this policy must obtain and submit Clearances prior to the commencement of service. Current volunteers must also have current clearances on file.

- For volunteers who are Covered Individuals under this policy, an exception is made if you have been a continuous resident of Pennsylvania for the past 10 years. In such case you will need:
 - Report of criminal history from the Pennsylvania State Police (PSP); and
 - Child Abuse History Clearance from the Department of Human Services (Child Abuse); and
 - A verification that you are not disqualified from service based upon a conviction of any disqualifying offense under § 6344 (c) of the PaCPSL (A form for this purpose is available from the Municipality).
- IF you have NOT been a continuous resident of Pennsylvania for the past 10 years, you will need:
 - The PSP Clearance;
 - The Child Abuse Clearance; AND

- A fingerprint based federal criminal history (FBI) Clearance (If a volunteer has not been a resident of Pennsylvania for the past 10 years, but obtained their FBI Clearance at any time since establishing residency, they may provide that Clearance, and are not required to obtain any additional FBI Clearance).

Transfer of Clearances

Prospective volunteers may transfer Clearances obtained for service with another organization provided the Clearances were obtained within the last 60 months.

Renewal

All adult volunteers of Mt. Lebanon who would be Covered Individuals under this policy are required to renew Clearances at least every 60 months.

Provisional Volunteer Requirement

“Non-resident volunteers”, specifically individuals who reside in another state or country, may serve as a volunteer for no more than 30 days in a calendar year as long as they provide certifications from their state or country of residence. Volunteers who reside in Pennsylvania do not have a provisional period.

Reporting Requirements

If a volunteer is arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the volunteer must provide the Department Director with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

A volunteer who willfully fails to disclose information as required above shall be subject to immediate dismissal from volunteer service.