

**Commonwealth of Massachusetts
Department of Developmental Services**



National Fingerprint Background Checks
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National **Criminal** Background Check Legislation



Chapter 234 of the Acts of 2014, An Act Requiring National Background Checks requires that the department “conduct fingerprint-based checks of the state and national criminal history databases...to determine the suitability of all current and prospective employees, who have the potential for unsupervised contact with persons with an intellectual or developmental disability in any department-licensed or funded program. ”

Employees is defined broadly to include any apprentice, intern, transportation provider, volunteer or sub-contractor who may have direct and unmonitored contact with a person with an intellectual or developmental disability.

Chapter 234 also requires that any household members, age 15 or older, or persons regularly on the premises of residential facilities, shall be subject to a fingerprint-based national criminal background check.

Department-licensed, funded or approved programs and providers of transportation services on behalf of any department-licensed, funded or approved program may hire individuals without first obtaining the results of a state and national fingerprint-based criminal history check, but they may not have potential for unsupervised contact until after the national criminal background check has been completed.



Massachusetts CORI Check Process



EOHHS regulations require that applicants and employees seeking a position that entails the potential for unsupervised contact with Massachusetts Department of Developmental Services (DDS) clients must undergo a Criminal Offender Record Information (CORI) check. 101 CMR 15.00, et seq.

Hiring Authorities (Providers and EOHHS HR) currently conduct CORI checks through the iCORI portal (<https://icori.chs.state.ma.us>) – this process will remain the same.



Fingerprint Check Process Overview



CORI cleared status allows for conditional employment pending the results of a National Background Check.

After the EOHHS Massachusetts CORI process

Once an individual is CORI cleared for employment, the hiring authority may initiate the process for a National Background Check.

A PDF image of certain Massachusetts CORI results can and a hiring authority's written determination to hire will be uploaded to the new DDS Criminal Background Check System. The DDS background check team will not review the Massachusetts CORI results already considered by the hiring authority.



Fingerprint Check Process Overview



Hiring Authorities:

Login to the Virtual Gateway --> DDS Criminal Background Check System (hiring authorities will identify users to be authorized for system access; these individuals should be the same as those who currently conduct CORI checks under EOHHS regulations)

- Enter Applicant Information
- If applicable, attach Massachusetts CORI report and written hiring determination if it contains one or more Table A or B crimes (PDF Image)
- System will generate a case (applicant/employee) identification number
- Information will be processed overnight and sent to MorphoTrust, the company selected by the Executive Office of Public Safety and Security and approved by the FBI as the Commonwealth's exclusive vendor for taking fingerprints.



Fingerprint Check Process Overview



Applicant/Employee:

- Using the case identification number given to them by the Hiring Authority, the individual will register for a fingerprint appointment via web form or telephone
- The Individual will be fingerprinted at one of 33 MorphoTrust/IdentiGo locations statewide. Payment is due at the time of online scheduling (by credit card) or in person at the fingerprint appointment by check or money order

Fingerprint Result Review & Notification:

- DDS Background Record Check Unit BRCU will determine suitability for unsupervised contact based on the report of the national criminal database by applying the standards contained in the EOHHS CORI regulations
- The DDS BRCU will notify the hiring authority regarding its determination via system alerts and email
- If the DDS BRCU determines that an applicant/employee is Not Suitable for employment, it will provide the applicant/employee with a copy of the report and information regarding who to contact to challenge the report for accuracy or relevancy



Fingerprint Check Process Overview



Initial Implementation Steps

Successful implementation of this new mandate will require a phased-in approach to ensure that the business process design and systems being developed to support the work are satisfactory to accomplishing this goal.

Timeline for implementation

- (January 2016 – March/April 2016:) only new applicants for full- or part-time work with the potential for unsupervised contact with an individuals will be processed through the background check system.
- Eventually, all persons meeting the requirements set forth in Chapter 234 will be processed through the background check system, however, this phased-in approach will assist DDS to identify and resolve any potential systems issues in advance of increasing the volume and complexity of activity.

The following is a proposed rollout schedule for the DDS National Criminal Background Check System:

12/3/15 – Email to provider CEOs requesting names of individuals who are authorized to conduct Massachusetts CORI checks and will require access to the Virtual Gateway (VG) for the DDS National Criminal Background Check system.



Fingerprint Check Process Overview



12/18/15 – Target completion date for hiring authorities to identify staff that will require VG access.

12/18/15 – Hiring authority staff are invited to test system interface and intake modules and provide feedback to EHS IT

12/28/15 – User acceptance testing begins

1/4/16 – First release of DDS National Criminal Background Check System goes “live”

1/4/16 – All new applicants for employment who are Massachusetts CORI cleared on or after 1/4/16 and are not currently employed by the hiring authority must be processed for fingerprinting.

1/12/16 – First of two public hearings on DDS National Criminal Background Check regulations

1/14/16 – Second of two public hearings on DDS National Criminal Background Check regulations



Fingerprint Check Process Overview



Next Steps

DDS will be expanding the content of the National Criminal Background Check website to include job aids, recorded webinars, calendar of events, FAQs, and other materials to help users navigate the system and move the work forward.

Between January 2016 and March/April 2016, DDS will solicit feedback from system users, assess the business process and IT systems, and make whatever adjustments are necessary to assure an effective and efficient workflow.

DDS will partner with other state agencies with similar mandates to continue exploring the feasibility of a coordinated or consolidated approach to conducting criminal background checks to avoid unnecessary redundancies and costs.

Pending the results of the initial system and process assessment, DDS will provide more detailed guidance to initiate fingerprinting for national criminal background checks of DDS and vendor staff employed prior to 1/4/2016, volunteers, household members, and other individuals who are mandated to be fingerprinted by January 1, 2019.