



**Department of
Early Education and Care**
THE COMMONWEALTH OF MASSACHUSETTS

Background Record Check Unit

Policy Statement: Supervised Provisional Status vs. Unsupervised Conditional Hiring for all Group and School Age (GSA) Programs, Residential Programs and Placement Agencies, and Funded Programs

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Supervised Provisional Status vs. Unsupervised Conditional Hiring for all Group and School Age (GSA) Programs, Residential Programs and Placement Agencies, and Funded Programs

This policy explains the difference between supervised provisional hiring and unsupervised conditional hiring applicable during the background record check (BRC) process within the Department of Early Education and Care (EEC). In October 2018, EEC made changes to BRC regulations to allow for provisional hiring. Provisional hiring must be implemented under federal law. *See* Child Care and Development Block Grant Act of 2014 (CCDBG).

Supervised provisional hiring is available for group, school aged, and funded programs. Unsupervised conditional hiring is only available for residential programs and placement agencies until it is phased out by September 30, 2020. *See* G.L. c. 15D, §7.

Supervised Provisional Status

Under EEC's current regulations, supervised provisional status is available after a candidate completes the required sex offender checks, fingerprint-based check (touches the glass), and EEC completes its preliminary screening process.

EEC may authorize the Program to hire the candidate in a supervised provisional status, which means that a candidate may begin to work at the Program but must be under constant supervision. EEC regulations allow EEC to independently determine that a candidate's

background is too concerning to allow the candidate to work in supervised provisional status. In a scenario such as that, EEC has the right to revoke the provisional status.

Upon being notified that a candidate is eligible for provisional status, a Program may utilize a candidate so long as the candidate is in direct visual supervision of any Program employee that has already received a “suitable” finding after an EEC BRC. The candidate may work in a Provisional Status until the candidate’s remaining checks are complete and the Program receives a final suitability determination from EEC.

For programs utilizing the EEC BRC Program Portal within BRC Navigator: the candidate will not be notified that they are eligible to be hired in a supervised “provisional status” until the Program changes the candidate’s status to “provisionally hired” in the BRC Program Portal. Changing the candidate’s status to “provisionally hired” triggers an e-mail notification to the candidate notifying them that they are in the status. The letter to the candidate will be available in the BRC Navigator.

Candidates in the following roles may NOT be hired in supervised “provisional status” and must always be suitable before being issued a license or funding:

1. Family child care candidates;
2. Licensees of licensed programs;
3. Designated administrators in funded programs;
4. Relative caregivers;
5. In-home non-relative caregivers;
6. Agency/affiliated personnel (i.e., third parties with unsupervised access to children but who are not employees, volunteers, or interns licensed, approved, or funded program);
7. Transportation personnel;
8. Temporary agency staff; and
9. Contracted/service providers.

In limited circumstances, candidates may be authorized to work in a supervised provisional status if they have a pending mandatory offense as long as EEC’s General Counsel authorizes this status in writing.

Candidates may only be in supervised provisional status for a maximum of 120 days from the date of the implementation of this status unless the Program receives a written extension of the status from EEC.

Unsupervised Conditional Hiring:

Candidates may be authorized to work as an unsupervised conditional hire when permitted by EEC. Presently, this status is reserved solely for Residential and Placement programs and will be shifted to supervised provisional hiring by September 30, 2020.

Conditional hiring is authorized after a candidate has completed all components of an EEC BRC with the exception of the fingerprint-based check of state and national criminal databases. Conditional hiring does not require any supervision; however, candidates in this status are urged to complete fingerprint-based checks as quickly as possible.

Candidates may only be in unsupervised conditional status for a maximum of 120 days from the date of the implementation of this status unless the Program receives a written extension of the status from EEC.