

## ACT 123 – NEW REQUIREMENT RENEWAL OF CLEARANCES FAQ’S

### **What is the renewal requirement for clearances?**

Beginning Dec. 31, 2014, clearances must be obtained every 60 months. Timelines for renewed clearances are based upon the date of each individual clearance. If an individual or agency elected to renew all clearances at the same time, the date of the oldest clearance rather than the most recent would be used.

Persons employed prior to Dec. 31, 2014, are required to obtain updated clearances as follows:

- Within 60 months of the date of the most recent clearance;
- By Dec. 31, 2015, if the clearance is older than 60 months; or
- By Dec. 31, 2015, if they have not received a clearance because they were employed in the same position and were not required to obtain a clearance under prior law (grandfathered).

For individuals that received clearances prior to 2008 and were not required to obtain the FBI clearance, the three required clearances would be obtained consistent with the timeframes above. Therefore, if either of the individual’s Child Abuse and State Police Clearances were obtained within the past 60 months, all three clearances must be obtained within 60 months of the date of the most recent clearance. If all clearances were obtained more than 60 months ago, all three clearances must be obtained by December 31, 2015.

### **Which clearances are needed?**

Employees having contact with children must obtain the following three clearances:

- Report of criminal history from the Pennsylvania State Police (PSP);
- Child Abuse History Clearance from the Department of Human Services (Child Abuse); and
- Fingerprint based federal criminal history submitted through the Pennsylvania State Police or its authorized agent (FBI).

### **How do I obtain my clearances?**

The Child Abuse, PSP and FBI clearances can all be applied and paid for electronically. The FBI clearance also requires a fingerprint submission. Links to apply for these clearances can be found at:

Child Abuse Clearance: <https://www.compass.state.pa.us/cwis/public/home>

PA Criminal Check: <https://epatch.state.pa.us/Home.jsp>

FBI Fingerprint Check: [https://www.pa.cogentid.com/index\\_pde.htm](https://www.pa.cogentid.com/index_pde.htm)

### **How much do the clearances cost?**

- The Pennsylvania State Police Criminal Record Check costs \$8.
- The Pennsylvania Child Abuse History Clearance costs \$8.
- The Federal Bureau of Investigation (FBI) Criminal Background Check costs \$27.00 through the Department of Education.

### **Who pays for clearances?**

The applicant or employee is responsible for paying the cost of the required clearances.

### **Are there any other requirements?**

If an employee 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 administrator or their designee 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.

**Is my employer required to keep a copy of my clearances?**

Yes, pursuant to § 6344 (b.1), the employer, administrator, supervisor or other person responsible for employment decisions or acceptance of the individual to serve in any capacity requiring clearances, shall maintain copies of the required information and require the individual to produce the original documents prior to employment or acceptance to serve in any such capacity, except provisional employees for limited periods as described in § 111 (e) or (f.1) and outlined above. An employer, administrator, supervisor or other person responsible for employment decisions that intentionally fails to require an applicant to submit the required clearance before the applicant's hiring commits a misdemeanor of the third degree.

School administrators are reminded that pursuant to Department of Education regulation, the commissioned officer or administrative head of each school entity is responsible for maintaining the confidentiality of the criminal history background check may not be made available to anyone not directly involved in making hiring decisions.

**Can my clearances be transferred?**

Any person who obtained their clearances may transfer or provide services to another subsidiary or branch established and supervised by the same organization during the length of time the person's clearances are current.

**NOTE:** when an employee begins employment with a new agency, institution, organization or other entity that is responsible for the care, supervision, guidance or control of children new clearances must be obtained.