

Department of Human Services Information Bulletin

To: Agency Providers, Distribution
From: Kathy Patrick, Director of the Office of Licensing
Date: 06/14/19
Subject: **Criminal History Record Information (CHRI) and Hiring**

In accordance with N.J.S.A. 30:6D-63 through 69, Criminal History Background Checks (CHRI), effective January 16, 2018, the Department of Human Services now makes the fitness determinations for provider agency staff, relative to CHRI results.

Background

The standards for *Community Residences for Individuals with Developmental Disabilities*, **N.J.A.C. 10:44A**, requires at 2.4(a) that personnel practices comply with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to employment, including civil rights, retirement plans or social security, minimum wages, hours and workman's compensation.

The standards for *Community Residences for Persons with Head Injuries*, **N.J.A.C. 10:44C**, requires at 2.4(a)1 that the licensee assure that background checks are conducted for all employees who have direct contact with persons served by the Agency, in accordance with N.J.A.C. 10:48A. (Background Checks).

Per the new law:

2. Section 2 of P.L. 1999, c.358 (C.30:6D-64) is amended to read as follows:

C.30:6D-64 Contract with community agency.

2. a. Any community agency under contract with or licensed by the Department of Human Services shall not pay or contract for any employee or agency head for the provision of services unless it has first been determined, consistent with the requirement and standards of P.L.1999, c.358 (C.30:6D-63 et seq.), that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify the community agency head or the community agency employees from such employment. The determination shall be made by the department.

Guidelines

As of May 1, 2018, all prospective applicants shall make an appointment before employment to have his or her fingerprints taken through the live scan process with an agency designated by the Department of Human Services.

The applicant shall not provide direct care services, supervise individuals served, nor work in the presence of individuals served, until the Agency has received notification from the Department that the applicant is cleared for employment. The applicant may, at the discretion of the Agency, undergo pre-employment training for which the applicant may be compensated by the Agency.

Provisional employment of an applicant is only authorized for a period not to exceed six months in the rare occurrence when an applicant has been fingerprinted and DHS is awaiting the results from the State Police and FBI. Provisional employment will be approved by the Department. An applicant who is provisionally employed, in accordance with NJSA 30:6D-64, performs his or her duties under the supervision of a superior who acts in a supervisory capacity over that applicant until the determination concerning the state and federal information is complete.