

State of Pennsylvania Comprehensive Background Checks Updated 08/14/2015

On July 1, 2015, the Governor signed into law an amendment to this Act that adds exemptions to the law. Exemptions include some first-time cultural exchange visitors with J-1 Visas, certain administrative personnel, certain minor-aged employees, and certain volunteers. [Act 15 of 2015](#) details these exemptions. See below for details.

As of December 31 2014, Pennsylvania [Act 153 of 2014](#) requires that new employees, volunteers, and those with expired clearances who have direct contact and care for children must obtain three clearances which are then valid for 60 months. This law also applies to persons over the age of 14 working paid positions, revealing information if the minor had been convicted as an adult. Exemptions to this Act were signed into law July 1, 2015. The exemptions are outlined below.

All paid employees and volunteers who are, “responsible for the welfare of a child or having direct contact with children” are to complete the clearances below prior to the commencement of service. Note: Employees who are currently employed have until December 31, 2015 to obtain the required clearances. Volunteers who were approved to volunteer before August 25, 2015, now have until July 1, 2016 to obtain them. Beginning August 25, 2015, new volunteers will need to submit clearances prior to service.

The required background checks include:

1. [Criminal History Record Information](#) obtained from the Pennsylvania State Police (\$8 fee)
2. [Child Abuse Clearance](#) obtained through the Pennsylvania Department of Human Services certifying the applicant is not named in the statewide database “as the alleged perpetrator in a pending child abuse investigation or as the perpetrator of a founded report or indicated report” of child abuse.” (\$8 fee)
3. [Federal Criminal History Record Information](#) obtained by submitting a full set of fingerprints to Cogent Systems for submission to the Federal Bureau of Investigation. (\$25.75 fee through DHS)

Exemptions

- Volunteers are not required to complete the federal criminal history check (#3) if they have lived continuously in Pennsylvania over the previous 10 years and are working an unpaid position. However, they must swear or affirm in writing that they are not barred from volunteering due to a conviction or offense under [§6344\(c\)](#).



- Unpaid volunteers committed to less than 30 days can provide clearances from their home state or county. Those volunteering longer than 30 days must obtain clearance through the state of Pennsylvania.
- Employees who are administrative or support personnel and do not have direct contact with children.
- Minor employees between the ages of 14 and 17 if they have lived in the Commonwealth for 10 years and their parent or legal guardian affirms the minor employee has not been convicted of a disqualifying crime (FBI exempt only).
- Volunteers or employees who do not have direct volunteer contact with children because they do not provide care, supervision, guidance or control of children and have routine interaction with children.
- Certain first-time employees or volunteers having a J-1 Visa if the employee or volunteer would hold a position for no longer than 90 days. The employee or volunteer must affirm in writing that there is no disqualifying crime. The individual must not have been employed previously in the United States or Puerto Rico. (* See below regarding J-1 Visa Holders.)
- Volunteers can have the fees waived for their required background checks (#1 and #2 above) once every 57 months.

J-1 Visa Holders

Individuals working at camp who participate in the U.S. Department of State's Cultural Exchange program and hold a J-1 designated Visa are generally referred to by camps as "international staff." While the July 1, 2015 Act 15 of 2015 exempts certain new J-1 Visa holders from the PA Comprehensive Background Check, it is important for camps to note that — for ACA Accredited Camps — there must still be an annual criminal background check on these individuals. To learn more about what this means, please review [Criminal Background Checks and International Staff: Considerations and Key Questions for Camps and Other Youth-Serving Organizations](#).

J-1 Visa holders are exempt from Pennsylvania's requirements if (1) they are applying for a paid position for a period not to exceed 90 days in a calendar year; (2) they have not been employed previously in Pennsylvania, another state, DC, or Puerto Rico; and (3) they swear or affirm in writing that they are not disqualified from service under the grounds for denying employment or have not been convicted of an offense similar in nature to the crimes listed under the grounds for denying employment 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.

Process

While volunteers are permitted to have their background check fees waived every 57 months, the cost for employees does need to be paid. The law does not require employers to pay for their employee's background check fees, and camps may front the costs for the background checks, and then deduct the fees from the employee's pay if an agreement exists in writing as part of the employment contract.

All three background checks are initiated online by the employee. Employees who obtained a certification for employment purposes within the previous 60 months may use the certification for other employment opportunities or to serve in a volunteer capacity for any program, activity or service. Volunteers who received their certifications to volunteer and had the fees waived may use those certifications for other volunteer opportunities, but may not use them for employment. When transferring clearances prior to beginning new employment or service, the person must swear or affirm in writing that they have not been disqualified from employment or service under section [6344\(c\)](#) or have not been convicted of an offense similar in nature to a crime listed in section [6344\(c\)](#).

ACA accreditation standards require an annual criminal background check for all seasonal camp staff (paid and/or volunteer) based on property and at least every five years for year-round staff (paid and/or volunteer) based on camp property. In addition to that check, the new law would require a Child Abuse Clearance and a Federal Criminal History Record obtained every five years.

Note: The employer, administrator, supervisor or other person responsible for employment decisions or acceptance of volunteers shall maintain copies of the required information and require the individual to produce the required documents prior to employment or acceptance to volunteer. An employer, administrator, supervisor or other person responsible for selection of volunteers that intentionally fails to require an applicant to submit the required certification before the applicant's hiring commits a misdemeanor of the third degree.

Additional Resources:

[FAQ's About Volunteers for the Law from the PA Department of Human Services](#)

[FAQ's About Employees for the Law from the PA Department of Human Services](#)

[Text of the new law](#)

[Text of the July 2015 Act that provides exemptions](#)

[Request a Pennsylvania Criminal History Record Online](#)

[Request a Pennsylvania Child Abuse Clearance Online](#)

[Request a Federal Criminal History Record Online or by Calling 1-888-439-2486](#)

For questions about the law, please contact:

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