

A. Requirements for checks

1. Any individual seeking (applicant) to serve in a position in which

- a. The individual receives a living allowance, stipend, national service education award, or salary
- b. Volunteering or serving

through a program receiving assistance under the national service laws or supported by the Corporation for National and Community Service (CNCS) must undergo a National Service Criminal History Check.

2. A National Service Criminal History Check, in South Carolina, includes a fingerprint-based background check processed by the state repository (SLED) and the Federal Bureau of Investigation (FBI) to determine any other criminal history.

- (1) An applicant must complete a fingerprint-based background check through SLED, and SLED must submit the applicant fingerprints to the FBI for a national criminal history background check.
- (2) The results of these criminal history background checks must be reported to South Carolina Commission for National and Community Service (state service commission).
- (3) SLED is authorized to retain the fingerprints for certification purposes and for notification of the department regarding criminal charges.

3. Applicants convicted of, or under indictment for, murder as defined by federal law will be denied in all cases.

4. Applicants that are registered sex offenders, or required to be registered sex offenders, will be denied in all cases.

5. Applicants that refuse to consent to the criminal history check or make a false statement in connection with the criminal history check will be denied in all cases.

6. Applicants convicted of, or under indictment for, other offenses not listed above will be reviewed by the state service commission on a case by case basis.

B. Provisional Status

1. Applicants may be provisionally employed or may provisionally volunteer services after the favorable completion of a National Sex Offender Public Website check and while either the SLED fingerprint-based background check or FBI fingerprint-based background check, is pending. Provisional status can cease when the remaining pending checks have cleared.

- a. Results from the SLED fingerprint-based background check and FBI fingerprint-based background check are not required concurrently for Provisional Status. However, both checks are required for unaccompanied non-provisional status.

2. The applicant shall execute a sworn statement on a form provided by the state service commission that he or she has not been convicted of any crime enumerated in this section.

3. Provisional status will be repealed if the requests for the SLED and FBI fingerprint-based background checks are not sent by facsimile, mail, or another manner approved by the state service commission.

C. Longevity of checks

1. The results of the fingerprint-based background checks are valid and reviews are not required to be repeated as long as the person remains employed by or continues to volunteer services in the original national service program for which they were approved to work or volunteer at via the favorable completion of their original national criminal history check;

a. If a person is not employed or does not volunteer services for 120 days or longer, this break in service will require the NSOPW website check, SLED fingerprint-based background check and FBI fingerprint-based background check to be repeated.

b. Temporary interruption of work or service without an associated termination of employment or expiration of the agreement under which the service is provided is not a break in service.

c. Appropriate temporary interruptions in service are administrative leave, sick leave, summer breaks, or not actively working with a client.

D. Cost

1. The cost of the state fingerprint-based criminal history background check must not exceed eight dollars and must be paid by the state service commission upon application for the state check. The cost of the national criminal history background check is established by the FBI and must be paid by the state service commission upon application for the national check.