



MEMORANDUM

To: VISTA Sponsors, All State Offices
From: Paul Davis, Acting Director, VISTA 
Date: March 23, 2011
Subject: **National Service Criminal History Checks for Certain VISTA Sponsor staff**

This memorandum replaces memo “Criminal History Checks for Certain VISTA Sponsor staff” issued on January 3, 2011.

Section 189D of the National and Community Service Act of 1990 (NCSA), as amended by the Serve America Act of 2009, requires that all VISTA grantees conduct a National Service Criminal History Check on employees who receive any portion of their salary from CNCS grant funding. This includes sponsors who receive either a VISTA Support grant or Program grant. All staff positions listed in the budget under CNCS Share or reported as an expenditure on the Federal Financial Report (FFR) are considered covered positions.

This requirement applies to sponsors differently, depending on when an individual in a covered position was hired, as follows:

- For individuals in covered positions, selected or hired on or before **September 30, 2009**, no check-related actions are required, only recommended.
- For individuals in covered positions, selected or hired **on or after October 1, 2009 and prior to April 21, 2011**, the VISTA project must conduct the following actions:
 1. A National Sex Offender Public Records (NSOPR) search available at <http://www.nsopr.gov>;
 2. **and either:**
 - a. A State criminal registry or repository search in the state where the VISTA project is operating and the State where the staff member(s) resides; **or**
 - b. Submit fingerprints to the FBI for a national criminal history check.
- For individuals in covered positions, **hired or selected on or after April 21, 2011, and who have recurring access to vulnerable populations**, the VISTA sponsor must conduct the following three (3) actions:
 1. An National Sex Offender Public Records (NSOPR) search available at <http://www.nsopr.gov>;
 2. A State criminal registry or repository search in the state where the VISTA project is operating and the State where the staff member/members reside; **and**
 3. Submit fingerprints to the FBI for a national criminal history check.

The VISTA sponsor is responsible for any costs associated with conducting these criminal history checks. VISTA grant funds may not be used to pay for these checks. Copies of National Service Criminal History Check results should be kept in the sponsor's personnel files and may be subject to monitoring site checks or audits.

Please review the Corporation's guidance and Frequently Asked Question about criminal history check requirements at <http://nationalserviceresources.org/criminal-history>. The guidance covers all legal compliance, including how to conduct the checks, what documentation to keep when selecting an individual, and how to apply for an Alternate Search Protocol.

If after referring to the Corporation's guidance and FAQs you have questions or concerns regarding your approach to complying with these requirements, you should first work with your Corporation State Office. If you and your Corporation State Office believe you are facing a unique situation, or if you need immediate assistance when you can not otherwise reach a Corporation resource, please send your question to CriminalHistoryCheckQuestions@cns.gov.