

FW: UC Policy Guide Update Section 4.3.3 Employee Background Investigations

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To: Packer, Rebecca (ACF) <Rebecca.Packer@acf.hhs.gov>

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Hello,

Please allow me to bring to your attention UC Policy section [4.3.3.2 Considerations Regarding Child Abuse and Neglect Background Checks](#). Please review as these are newly updates that will impact your staffing.



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From: UC Policy (ACF) <UCPolicy@acf.hhs.gov>

Sent: Monday, December 18, 2023 12:56 PM

To: UC Policy (ACF) <UCPolicy@acf.hhs.gov>

Subject: UC Policy Guide Update Section 4.3.3 Employee Background Investigations

The below message was just sent to the UC Care Provider Network.

Dear ORR Care Provider,

The UC Policy Unit has published revisions to [UC Policy Guide Section 4.3.3 Employee Background Investigations](#), effective December 18, 2023.

The updates to [UC Policy Guide Section 4.3.3 Employee Background Investigations](#) clarify existing background check requirements and include references to background investigations facilitated by the Defense Counterintelligence and Security Agency (DCSA), related to public trust and national security – a process known as a suitability determination. These updates also establish procedures for providers to navigate Child Abuse and Neglect (CA/N) Check obstacles and delays caused by State agencies responsible for processing employee CA/N registry checks.

UC Policy added three subsections to [UC Policy Guide Section 4.3.3](#), to clearly delineate background investigation and suitability determinations for its care provider network:

4.3.3.1 ORR Required Background Investigations:

- Details the care providers' requirements for employee background investigation requirements.
- Clarifies that when staff, out of necessity, must act in two or more positions simultaneously, they must notify their Project Officer or Contract Officer's Representative immediately, and in advance, when possible, to establish a supervision plan.

4.3.3.2 Considerations Regarding CA/N Background Checks:

Grantee care providers are expected to come into compliance with the below CA/N Background Check updates on February 1st, 2024, but not prior.

Contracted Influx Care Facility providers may operate under the CA/N Background Check updates immediately in consultation with their COR.

- Establishes procedures for providers to navigate CA/N check obstacles and delays when a State agency responsible for adjudicating CA/N registry check requests:
 - Refuses to process CA/N checks altogether or is unresponsive to CA/N check requests from ORR care providers.
 - Will process CA/N check requests but is expected to take longer than 30 calendar days for care providers to receive the results.
- Details requirements for supervision plans for provisional employees that have cleared FBI fingerprinting checks and await CA/N check results.
- Requires provisional employees to have a bright, clearly visible name tag and bright neon-colored vest on top of their staff uniform that demonstrates their status as a provisional staff member who is working under a supervision plan.

4.3.3.3 OPM Required Suitability Investigation:

ORR is implementing OPM required Suitability Investigations through a phased approach and will contact your program directly with instructions for implementation in the coming months.

- Defines suitability investigations as an inquiry into a person's identifiable character trait and conduct sufficient to determine whether an individual's employment or continued employment would protect the integrity or promote the efficiency of the services.
- Clarifies that the type of investigation conducted varies with the level of sensitivity and risk.
- Includes all federal, contracted, and grantee personnel providing services for or on behalf of ORR must undergo OPM mandated Suitability Investigations commensurate to their position's risk designation.

If you have any questions about this updated guidance, please email UCPolicy@acf.hhs.gov.

If you have questions about the implementation of OPM Suitability Investigation Requirements, please email ORRSuitabilityQuestions@acf.hhs.gov.

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