

TITLE	POLICY NUMBER	
Fingerprint Clearance Cards	DCS-04-09	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	August 30, 2017	4

I. POLICY STATEMENT

The purpose of this policy is to ensure that all Department of Child Safety applicants identified for hire in a position that will have contact with children or for an Information Technology (IT) position, and current employees (including temporary) who have contact with children or have an Information Technology (IT) position, possess a valid fingerprint clearance card that meets the Level One Fingerprint Clearance Card requirements and remain in compliance with this requirement, as required by Arizona statute and this policy.

An employee of a contractor or subcontractor who is employed in an IT position and who will have access to Department information as part of the employee's job duties, or who provides services directly to children, must possess a valid Level I Fingerprint Clearance Card.

II. APPLICABILITY

This policy applies to all prospective and current DCS employees, contractors, and subcontractors who provide services directly to children or perform information technology functions as part of their job duties.

III. AUTHORITY

[A.R.S. § 8-463](#)

Department of Child Safety employees;
fingerprint requirement

[A.R.S. § 8-801](#)

Definitions

<u>A.R.S. § 8-802</u>	Child Safety Specialist; fingerprint clearance cards; interview requirements; temporary custody limit; cooperation and coordination; alteration of files; violation; classification
<u>A.R.S. § 13-904</u>	Suspension of civil rights and occupational disabilities
<u>A.R.S. § 13-3623</u>	Child or vulnerable adult abuse; emotional abuse; classification exception; definitions
<u>A.R.S. §§ 28-1381-1383</u>	Driving or actual physical controls while under the Influence
<u>A.R.S. § 41 Chapter 3, Art.12</u>	Board of Fingerprinting
<u>A.R.S. § 41-773</u>	Causes for dismissal or discipline for employees in covered service
<u>A.R.S. § 41 Chapter 12, Article 3.1, 1758-1758.08</u>	Fingerprinting Division
<u>A.R.S. § 41-1701</u>	Definitions
<u>A.R.S. § 41-1750</u>	Central state repository; Department of public safety; duties; accounts; definitions
<u>A.R.S. § 41-1758</u>	Definitions
<u>A.R.S. § 41-1959</u>	Confidential information; permissible disclosure; rules; violation; classification
<u>A.R.S. § 46-141</u>	Criminal record information checks; fingerprinting employees and applicants; definition
<u>A. A.C. R2-5A-801</u>	Department of Administration, Personnel System, Disciplinary Actions
<u>A.A.C. R2-5B-305</u>	Department of Administration, Personnel System: Dismissal

IV. DEFINITIONS

Board of Fingerprinting: The Board established and operating pursuant to [A.R.S. § 41-619.51](#) et seq.

Certification of Criminal Offense: Notarized statement signed by an applicant/employee certifying, under penalty of perjury, whether the employee is awaiting trial on or has ever been convicted of any of the criminal offenses listed in [A.R.S. § 41-1758.07](#) Subsections B and C in this state or similar offenses in another state or jurisdiction.

Child: Any non-emancipated person under eighteen years of age. For purposes of this policy, the term "child" includes the terms "juvenile" and "minor."

Child Safety Services: Any child protection-related activity performed by a DCS Specialist in the scope of his/her employment, including prevention, investigation, intervention, and treatment of abuse and neglect to promote the well-being of a child in a permanent home and to coordinate services to strengthen the family.

Clearance Card: A fingerprint clearance card as defined in [A.R.S. § 41-1758.07](#).

Clearance Card Tracking System (CCTS): The system used by the Department of Child Safety to register and track the status of clearance cards.

Contact: Child Safety Service activity or any other activity in which the employee would have face-to-face interaction with a child outside of the view of any other Department staff or another responsible adult.

Contractor: Any person or organization, including an individual, corporation, limited liability company, partnership, sole proprietor or other entity, that has been procured by DCS to provide work for the Department. Contractors or subcontractors who have access to Department information as part of their job duties shall have valid Level I fingerprint clearance cards.

Criminal History Record Information: Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release ([A.R.S. § 41-1701](#)).

DCS Specialist: A person who has been selected by and trained under the requirements prescribed by the Department and who assists in carrying out the provisions of [A.R.S. § 8-801](#) et seq.

Department or DCS: The Arizona Department of Child Safety.

Department Information: Any piece or grouping of information maintained by DCS about an individual that is protected from unauthorized disclosure based on laws, regulations, and other legal agreements including but not limited to DCS information as defined in [A.R.S. § 8-807](#), education, financial account data, criminal justice, personally identifying, taxpayer, or employment history information.

Employee: Paid or unpaid persons who are employed on a full-time, part-time, temporary, volunteer, or intern basis by the Department in any position that is required by Arizona statute or this policy to possess a valid fingerprint clearance card.

Fingerprint Clearance Card: A card issued by the Department of Public Safety (DPS) to persons who, through a fingerprint background check, are found to be qualified for a clearance card or to qualify for a good cause exception.

Good Cause Exception: A determination granted by the Arizona Board of Fingerprinting, which allows the issuance of a fingerprint clearance card pursuant to [A.R.S. § 41-619.55](#) et seq.

Hiring Authority: For the purposes of this policy, this refers to a DCS administrator, supervisor, or designee with the ability to recommend and/or select an applicant for hire.

Human Resources Information System (HRIS): The system used by the Department of Child Safety to track expiration dates of employee fingerprint clearance cards.

Identified for Dismissal: An employee placed on desk duty or on administrative leave and awaiting a notice of charges and/or a notice of dismissal.

Identified for Hire: An applicant for employment for a position that is subject to this policy who has been selected by the Department's hiring authority as the successful candidate for employment in the position, has been offered the position conditionally, and accepted the position.

Information Technology Function: Assigned activities that result in a position being classified as an Information Technology position.

Information Technology Position: A position occupied by a DCS employee, contractor, or subcontractor whose primary job duties require access to any piece or grouping of information maintained by DCS about an individual that is protected from unauthorized disclosure based on laws, regulations, and other legal agreements including but not limited to DCS information as defined in [A.R.S. § 8-807](#), education, financial account data, criminal justice, personally identifying, taxpayer, or employment history information.

Level One Fingerprint Clearance Card: A clearance card as defined in [A.R.S. § 41-1758.07](#) and identified as Level One that is not in suspended, revoked, or expired status, as verified by the DPS, and which was issued on or after July 1, 2009.

Meets the Level One Fingerprint Clearance Card Requirements: A valid Level One Fingerprint Clearance Card issued after July 1, 2009.

Regular Card: A clearance card that is not in suspended, revoked, or expired status as verified by DPS, and which is not identified as Level One.

Valid Clearance Card: A clearance card that is not in suspended, revoked, or expired status, as verified by DPS.

V. POLICY

- A. DCS employees who provide direct service to children shall have a fingerprint clearance card issued pursuant to [A.R.S. § 41-1758.07](#) or shall have completed an application for a fingerprint clearance card when it is determined to be in the best interest of the Department. Until a fingerprint clearance card is obtained, applicants identified for hire will be unable to perform essential job duties such as providing direct services to children without direct observation from their supervisor or designee. For example, DCS Specialists awaiting fingerprint clearance cards may be escorted by DCS Specialists who have obtained their Level One Fingerprint Clearance Cards. An employee who is employed in an information technology position shall have a Level One Fingerprint Clearance Card that is issued pursuant to [A.R.S. § 41-1758.07](#), or provide to the Department documentation of the person's Application for a fingerprint clearance card and a *Certification of Criminal Offense*.

The Department will pay for the cost of applying for a Level One Fingerprint Clearance card for employees and applicants identified for hire with the Department.

- B. An employee of a contractor or subcontractor who is employed in an information technology position and who will have access to Department information as part of the employee's job duties shall have a fingerprint clearance card that is issued pursuant [A.R.S. § 41-1758.07](#), or provide to the Department documentation of the person's application for a fingerprint clearance card and a *Certification of Criminal Offense*.
1. Contracts between the Department and contractors or subcontractors shall contain the Fingerprint Clearance Card requirements delineated in this policy.
 2. The contractor or subcontractor is responsible for the cost of obtaining the employee's fingerprint clearance card and may charge these costs to the fingerprinted employee. The Department may allow all or part of the costs to obtain a fingerprint clearance card to be included as an allowable cost in a contract.
- C. A list of DCS positions subject to this policy is updated and maintained by DCS Human Resources.
1. When a new position class is added, or an existing class is modified, DCS Human Resources will determine whether the position class is covered by this policy.
 2. DCS Human Resources will ensure that the appropriate classifications are identified and kept current.
- D. Job announcements for positions covered under this policy shall contain a statement advising applicants that they will be required to apply for and show proof of receipt of an Arizona Fingerprint Clearance Card.
- E. DCS employees working in positions that become covered by this policy shall be advised of the date on which their position will become covered by this policy.

- F. Applicants for positions covered by this policy, shall be disqualified from consideration for employment in those positions if any one of the following occurs:
1. The applicant acknowledges either on the *Certification of Criminal Offense* or the most current *Application for Employment* or during a pre-employment interview that he/she is awaiting trial on or has been convicted of committing, or attempting or conspiring to commit, or has admitted to, one or more of the criminal offenses listed in the *Certification of Criminal Offense* in this State or for the same or similar offenses in another state or jurisdiction.
 2. The applicant refuses to complete the *Certification of Criminal Offense*.
 3. The applicant refuses to complete an application for a fingerprint clearance card.
 4. The applicant is denied a fingerprint clearance card that meets the Level One Fingerprint Clearance Card requirements.
 5. The applicant is identified via the Supreme Court Public Access to Court Records data as either awaiting disposition of or having been convicted of, or has admitted in open court to a non-appealable offense listed on the *Certification of Criminal Offense* or on the *Application for Employment*.
 6. The applicant is in possession of a clearance card that is suspended or revoked.
- G. Employees who have a valid but restricted clearance card due to an arrest or conviction of driving under the influence ([A.R.S. §§ 28-1381-1383](#)) shall not drive any vehicle to transport a child or employee and will be identified for dismissal if driving is an essential function of the job.
- H. Any current employee in a position covered by this policy, will be subject to dismissal for any of the following conditions:
1. The employee refuses to complete the *Certification of Criminal Offense*.

2. The employee refuses to complete an application for a fingerprint clearance card.
 3. The employee is denied a fingerprint clearance card that meets Level One Fingerprint Clearance Card requirements.
 4. The employee's clearance card is suspended, revoked or has expired.
 5. The employee fails to comply with the deadlines for completing a clearance card application pursuant to this policy.
 6. The employee provides false information or omits information on either the *Certification of Criminal Offense*, or the most current *Application for Employment* or the DPS Fingerprint Clearance Card Application.
 7. The employee neglects to inform their supervisor immediately when the employee's Level One Fingerprint Clearance Card is suspended, revoked or has expired.
- I. For employees who are in positions that become subject to this policy who identify that they already have a valid fingerprint clearance card, the following apply:
1. If the card is identified as a Regular Card and does not meet the requirements of a Level One Fingerprint Clearance Card, the employee must apply for a new Level One Fingerprint Clearance Card prior to starting work in a position requiring a clearance card.
 2. If the card was issued on or after July 1, 2009, and is identified as a Level One Fingerprint Clearance Card, the Department shall follow the appropriate procedures for contacting DPS to determine the current status of the clearance card:
 - a. if the card is valid, the employee may start working in the position requiring a Level One Fingerprint Clearance Card;

- b. if the card is not valid, the employee may not start working in the position requiring a Level One Fingerprint Clearance Card and must apply for a Level One Fingerprint Clearance Card or consider alternative positions not requiring a Level One Fingerprint Clearance Card.

- J. The Department shall follow the appropriate procedures as outlined in this policy for dealing with applicants identified for hire or employees who:
 - 1. receive a valid clearance card that meets the Level One Fingerprint Clearance Card requirements;
 - 2. receive a Regular Card that does not meet the Level One Fingerprint Clearance Card requirements; or
 - 3. are denied a clearance card.

- K. Employees are required to complete a new Level One Fingerprint Clearance Card Application and submit a new set of fingerprints for a criminal history record information check 90 days prior to expiration of their current card. Employees who fail to comply with this requirement will be subject to discipline.

- L. The Department shall track and maintain compliance with the procedures outlined in this policy.
 - 1. The DCS Employee Relations Coordinator monitors the Human Resource Information System (HRIS) for cards due to expire every 30 days.
 - 2. DCS Employee Relations Coordinator notifies the supervisor when an employee's clearance card is revoked, suspended or expired.
 - 3. Employees are required to report any change of status to their fingerprint card immediately to their supervisors.
 - 4. When an employee leaves employment with DCS, the Employee Relations Coordinator will update the CCTS to reflect their departure.

- M. Confidentiality of the fingerprinting results is critical due to the nature of the information. Dissemination of the results of the criminal history records information check is kept to a minimum and on a need-to-know basis. Only those involved in the specific decision-making process of hiring or retaining an employee shall be advised of the results. Employees found to have breached this confidentiality shall be subject to disciplinary action, up to and including dismissal from State service.

VI. PROCEDURE

A. Employment

1. DCS Human Resources is responsible for ensuring that job announcements for all Department positions covered by this policy contain the following provision:

“Applicants for this position will be required to apply for and show proof of receipt of a valid Arizona Fingerprint Clearance Card that meets Level One Fingerprint Clearance Card requirements.”
2. Applicants who disclose any of the non-appealable offenses on the *Certification of Criminal Offense* or the *Application for Employment*, or are found to have an unreported criminal background, will not be considered for employment in a position covered by this policy.
3. Applicants who disclose any of the appealable offenses on the *Certification of Criminal Offense*, or the *Application for Employment* will not be considered for employment in any position covered by this policy unless they have a valid clearance card that meets Level One Fingerprint Clearance Card requirements.
4. Applicants who disclose a misdemeanor or felony violation contained in [A.R.S. §§ 28-1381-1383](#) within the past five years may be considered for employment in a position covered by this policy. If hired, it must be in a position that does not require driving as they are not allowed to drive any vehicle to transport DCS clients or employees.
5. The hiring authority shall search the Arizona Supreme Court Public Records at: <https://apps.azcourts.gov/publicaccess/caselookup.aspx> to determine if the individual has a criminal background. This search is

done by entering the individual's name and, if available, her/his date of birth. Applicants whose public records search yields either a conviction or an unresolved arrest for a criminal conviction consistent with any offenses disclosed on the *Certification of Criminal Offense*, or the *Application for Employment* shall not be offered employment.

6. For applicants who provide a clearance card at the job interview, prior to extending an offer of employment, the hiring authority must confirm that the clearance card is valid and whether the card meets the Level One Fingerprint Clearance Card requirements. The hiring authority shall be subject to disciplinary action up to and including dismissal for failing to confirm the validity of a clearance card.

B. Clearance Card Validation

Clearance cards issued after July 1, 2009, and which are identified as Regular Cards, do not meet the requirements for a Level One Fingerprint Clearance Card. The hiring authority and/or supervisor shall confirm the type and the validity of an existing clearance card by using the following procedures:

1. The hiring authority/supervisor shall immediately submit a Validation email and the copy of the clearance card to the DCS Employee Relations Coordinator by emailing them at EmployeeRelations@azdcs.gov.
7. If DPS issues a notification letter to any employee advising him or her of any change to the status of their clearance card, the employee is required to provide a copy of this letter to DCS Human Resources within one (1) business day.
9. DCS Human Resources will notify the hiring authority/supervisor of the results within one (1) business day.

C. Changes in Assignment Requiring an Arizona Fingerprint Clearance Card

1. Current DCS employees whose position classifications become subject to this policy shall complete the *Certification of Criminal Offense* and the *Application for Employment* within five (5) business days following the effective date of their position classification becoming subject to this policy.

2. Employees who disclose any of the non-appealable offenses on the *Certification of Criminal Offense* or the *Application for Employment* will be reassigned to a position not covered by this policy within the same classification, if one is available. If a position is not available, the employee will be identified for dismissal. The Department may allow the employee thirty (30) workdays from date of notice the opportunity to apply for and secure a new position; if unsuccessful, the employee will be identified for dismissal.
3. Employees who disclose any of the appealable offenses on the *Certification of Criminal Offense* or the *Application for Employment* will be reassigned to a position not covered by this policy with the same classification, if one is available. The employee will be allowed thirty (30) days from the date of notice that their duties are being reassigned to obtain a good cause exception. If a position is not available or the person cannot obtain a valid Fingerprint Clearance Card, then the employee will be identified for dismissal.
4. Employees whose job duties require driving who disclose a misdemeanor or felony violation contained in [A.R.S. §§ 28-1381-1383](#) within the past five (5) years shall not drive any vehicle to transport employees or clients.
5. An employee who does not possess a valid clearance card at the time his/her position becomes subject to this policy shall follow the procedures for clearance card application in Section VI (D). They must complete the clearance card application, including fingerprints, within five (5) business days of being notified to apply for a clearance card by their supervisor.
6. If an employee that is changing assignment already has a current fingerprint clearance card, it must be presented to the DCS Employee Relations Coordinator who will confirm that the clearance card is valid and that the card meets the Level One Fingerprint Clearance Card requirements by following the procedures for clearance card validation in Section VI (B).
7. Applicants/employees who are denied a clearance card or have their clearance card suspended or revoked for any of the appealable offenses identified on the *Certification of Criminal Offense*, or who receive a card that does not meet the Level One requirements, may apply to the

Board of Fingerprinting for a good cause exception. The DPS Disposition letter provides instructions on applying for a good cause exception, when applicable.

8. Employees who wish to be considered for reassignment pending the disposition of a good cause exception hearing must apply for the hearing and provide proof of the application for the hearing to their supervisor within five (5) business days following receipt of the denial/suspension/revocation notice.
9. Employees who have a good cause exception decision pending are immediately:
 - a. reassigned to a position not covered by this policy if one is available (funded and vacant); or
 - b. remain in the same position and assigned to job duties in which the employee does not have contact with a child or perform information technology functions related to client information as defined in this policy; or
 - c. identified for dismissal or placed on administrative leave when the options listed above are not feasible, as determined by the Department.
10. Approval of the good cause exception by the Board of Fingerprinting may enable the employee to have a valid clearance card. Excepting any additional circumstance which precludes obtaining a valid Level One Fingerprint Clearance card, the employee may be returned to his/her original position.
11. Prior to being returned to his/her original position, the DCS Employee Relations Manager checks the CCTS and the Arizona Supreme Court Public Records at <https://apps.azcourts.gov/publicaccess/caselookup.aspx> to determine that no additional offenses have been registered.
12. Employees denied a good cause exception by the Board of Fingerprinting are not allowed to occupy a position covered by this policy.

D. Clearance Card Application

1. DCS employees and applicants who do not have a valid clearance card that meets the Level One Fingerprint Card requirements must register and complete an online application to be electronically fingerprinted.
 - a. Employees and applicants shall follow the instructions outlined in *[Fingerprint Instructions \(DCS-3052\)](#)*.
 - b. The employee or applicant must complete an application online at <https://psp.azdps.gov>.
 - c. During the application process the employee or applicant will enter an assigned code issued by the DCS Personnel Liaison and select one of the following statutes that correspond with their position:
 - i. [A.R.S. § 8-802](#) for DCS Specialists or;
 - ii. [A.R.S. § 8-463](#) for an employee that has contact with children or who is employed in an information technology position and who will have access to Department information.
 - d. The employee or applicant will forward a copy of the DPS Confirmation of Receipt email, which contains the application number, to their DCS Personnel Liaison.
2. The DCS Employee Relations Coordinator enters the required information into the CCTS within one (1) business day following receipt of the email.
3. Fingerprints that are incorrectly completed or contain unclear or unidentifiable fingerprint images are returned by DPS to the DCS Employee Relations Coordinator within one (1) business day to resolve the problem.

The resolution may require fingerprints to be re-scanned electronically.
4. Employees awaiting approval of their clearance card will not have contact with children or perform any information technology functions

related to accessing client information without direct supervision, monitoring and oversight by their supervisor or their designee until they are issued an approved clearance card that meets the Level One Fingerprint Clearance Card requirements.

E. Clearance Card Tracking System

DCS Human Resources maintains the CCTS. This system tracks employees in positions covered by this policy to ensure they have a valid clearance card.

F. Clearance Card Disposition

1. Clearance card dispositions are either positive or negative and fall into one of the following classifications, listed below. DPS systematically interfaces the disposition into the CCTS and mails the clearance card disposition to the employee or applicant identified for hire explaining the card disposition and, for persons who are not issued a clearance card, any appeal rights.

a. Positive Dispositions:

- i. Approved Level One;
- ii. Approved Regular;
- iii. Approved/Restricted - When the approval is restricted, the DPS Disposition letter documents the type of restriction.

b. Negative Dispositions:

- i. Denied;
- ii. Revoked;
- iii. Suspended.

c. Expired Cards

DPS systematically interfaces this information into the CCTS. DPS does not send letters to cardholders regarding expiration of clearance cards, only the status is recorded.

The DCS Employee Relations Coordinator distributes a monthly expiration report to the Personnel Liaisons. All clearance cards must be renewed every six (6) years.

2. Upon receipt of a disposition from the DPS in which a card is issued, the DCS Employee Relations Coordinator will notify the Personnel Liaison of the disposition within one (1) business day.
 - a. For a disposition in which a Regular Card that does not meet the Level One Fingerprint Clearance Card requirements is issued, the DCS Employee Relations Coordinator immediately notifies the supervisor so that the employee may be identified for dismissal;
 - b. For dispositions in which a restricted card that meets Level One Fingerprint Clearance Card requirements is issued, the DCS Employee Relations Coordinator will immediately notify the supervisor and the Program Administrator or Program Manager so that the employee may be placed on desk duty, administrative leave, or identified for dismissal;
 - c. For negative dispositions in which a card is not issued, the DCS Employee Relations Coordinator immediately notifies the supervisor and the Program Administrator or Program Manager so that the employee may be placed on desk duty, administrative leave, or identified for dismissal.
3. DCS staff shall take immediate action on expired clearance card dispositions as indicated in Section VI (F) (7) below.
4. For Approved/Non-Restricted card dispositions, the employee may begin work within their position of responsibility.
5. For Approved/Restricted clearance card dispositions, the following apply:

- a. Under no circumstances will any employee who has been issued an approved restricted clearance card be allowed to drive any vehicle to transport DCS clients or employees in the course of his/her employment. If driving is an essential function of the position, the employee will be required to identify a position within DCS that does not require a Level One Fingerprint Clearance Card;
 - b. The DCS Employee Relations Coordinator immediately notifies the supervisor that the employee has been approved for a restricted clearance card with driving restrictions.
6. For Denied, Suspended, or Revoked clearance card dispositions or for employees who receive a clearance card that is not a Level One Fingerprint Clearance Card, the following apply:

Employees whose DPS Disposition letter offers the opportunity for the employee to appeal for a good cause exception immediately either:

- a. apply for a good cause exemption; or
 - b. are identified for dismissal from employment in accordance with [A.A.C. R2-5B-305](#); or
 - c. are reassigned to a position not covered by this policy, if a position is available.
7. For Expired Clearance Cards, the following apply:
- a. Under no circumstances is any employee, whose clearance card has expired, allowed to have contact with a child or perform any information technology functions related to client information without a valid Level One Fingerprint Card;
 - b. Under no circumstances is any employee whose clearance card has expired allowed to drive any vehicle to transport any DCS child and/or client in the course of his/her employment without a valid, unrestricted Level One Fingerprint Clearance Card;
 - c. The Personnel Liaisons track the expiration date of clearance cards issued to employees within their unit. The Personnel

Liaisons coordinate with supervisors and employees to ensure that reapplications are submitted no less than 90 days prior to expiration of the existing card.

VII. FORMS INDEX

Application for Employment (ASPS/HRD-FA3.01(1))

Application for Employment (ASPS/HRD-FA3.01(2))

Certification of Criminal Offense (DC-1078A)

Fingerprint Instructions (DCS-3052)