What is Act 153 and why was it enacted?
The Pennsylvania state legislature sought to strengthen protections for minor children in the PA Child Protective Services Law (CPSL). A new law went into effect on Dec. 31, 2014, and now requires colleges and universities to obtain background check clearances for any individuals having routine interaction with minors. This includes university-sponsored programs, activities, and services and it applies to all faculty, staff, students, and temporary workers who have routine interaction with minors. The CPSL also requires mandatory reporting of suspected child abuse directly to the PA Department of Human Services.

What is the definition of minor?
For purposes of clearances, a minor is an individual under 18 years of age.

If I do not have routine interaction with minors in my position, why do I need to participate in the background screening process?
Temple University admits minors as students each year and minors are regularly a part of the University community. In addition to enrolled students, unmatriculated minors participate in a wide variety of programs on campus throughout the year. As a result of the recent changes to the requirements of the PA Child Protective Services Law, the University requires these clearances for all employees having routine interaction with minors, to ensure full legal compliance.

Who will cover the cost of the background check clearances?
The hiring department will cover the full cost of obtaining these clearances. For your convenience, the University will provide on-campus opportunities to complete these required clearances.

How do I obtain my background check clearances?
If you are a member of one of the covered departments requiring clearances, you will be contacted by Human Resources and given instructions on how to comply with the new law.

Which background check clearances are required?
The required clearances include:
- Pennsylvania State Police Request for Criminal Record Check
- Pennsylvania Child Abuse History Clearance
- FBI Criminal Background Check

Are there any other requirements?
Pursuant to Pennsylvania’s Child Protective Services Law 23 Pa. C.S. §6344.3(g), if an employee is arrested for or convicted of an offense that would constitute grounds for denying employment or participation in a program, activity or service, or is named as a perpetrator in a founded or indicated report, the employee must provide the administrator or their designee with written notice not later than 72 hours after the arrest, conviction or notification that the person has been listed as a perpetrator in the statewide database.

An employee who willfully fails to disclose information as required above commits a misdemeanor of the third degree and shall be subject to discipline up to and including termination or denial of employment.
How soon will the background check clearances process begin?
The Pennsylvania Child Protective Services Law took effect on December 31, 2014. The University has already begun the process of obtaining the required background check clearances from new faculty and staff members; you can expect to receive notification within the coming weeks if you are in a covered department. The University is required to obtain the clearances from current faculty and staff members by December 31, 2015. Human Resources will conduct the clearances by department.

What is the renewal requirement for background check clearances?
Beginning Dec. 31, 2014, the law currently requires us to obtain clearances every 36 months. Timeframes for renewed clearances are based upon the date of each individual clearance.

Persons employed prior to Dec. 31, 2014 are required to obtain updated clearances as follows:
- Within 36 months of the date of the most recent clearance;
- By Dec. 31, 2015, if the clearance is older than 36 months; or
- By Dec. 31, 2015, if they have not received a clearance because they were employed in the same position and were not required to obtain a clearance under prior law (grandfathered).

For individuals that received clearances prior to 2008 and were not required to obtain the FBI clearance, the three required clearances would be obtained consistent with the timeframes above. Therefore, if either of the individual’s Child Abuse and PSP clearances were obtained within the past 36 months, all three clearances must be obtained within 36 months of the date of the most recent clearance. If all clearances were obtained more than 36 months ago, all three clearances must be obtained by Dec. 31, 2015.

What is the provisional hiring period for employees?
Individuals may be employed for a single period, not to exceed 90 days if all of the following conditions are met (Disclosure Statement Application for Provisional Employment Attestation can be located on HR website):
- The applicant has applied for the three required clearances and they provide a copy of the completed forms to their employer.
- The employer has no knowledge of information pertaining to the applicant which would disqualify him from employment.
- The applicant swears or affirms in writing that he is not disqualified from employment pursuant to the grounds for denying employment in § 6344 (c) or has not been convicted of an offense of a similar nature to those crimes 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.
- The applicant is not permitted to work alone with minor and must work in the immediate vicinity of a permanent employee.

Is my employer required to keep a copy of my background check clearances?
Yes. All original documents will remain in the Human Resources Department.

Will volunteers and contractors be required to get background check clearances?
Yes. Any school, college, division, department or individual who “hires” volunteers for a program or project must contact HR to discuss the necessary clearances. Human Resources will coordinate with volunteer applicants to obtain the required clearances by July 1, 2015.

Any entities contracting with the University that will have direct contact with minor will be required to provide assurances that they have complied with PA law by obtaining required background check clearances and appropriate training for their workers.
Who do I contact if I have additional questions about the background check clearances?
You may contact the Human Resources Department at 215-204-5512

Additional Information, including the Provisional Employment Attestation Form can be found at http://www.temple.edu/hr/departments/employment/index.html

The list of PA Child Protective Services Law’s disqualifying crimes under Title 18 of Pennsylvania Law (or their federal equivalent or the equivalent from another state) are as follows:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709.1 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- A felony offense under section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
- Section 6301 (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children)
- The Controlled Substance, Drug, Device, and Cosmetic Act (P.L. 22, No. 64) (committed within the previous five years)