



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

## **Background Checks, Barrier Crimes, Reference Checks, and Mandatory Reporting/Child Abuse Prevention and Response (AB 506)**

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### **Policy Statement**

All prospective employees, contractors, teen employees, board members, and regular volunteers must complete fingerprinting and a criminal background check. Employment and volunteer offers are conditional until the completion and passing of background and reference checks. Any prospective or current employee, contractor, teen employee, board member, regular volunteer who refuses a criminal background check, makes a false statement about their background check, is a registered sex offender, or is flagged for a barrier crime will not be eligible to work or volunteer for the Club. Background checks are ongoing and conducted annually.

All current employees, board members, and regular volunteers must complete mandated reporter training in child abuse and neglect. Any employee or regular volunteer who works or interacts with children at the Club is required to report known or suspected child abuse to the proper authorities within 24 hours. All categories of child abuse (physical, neglect, emotional, or sexual misconduct) endanger a child's health and development, and require attention. Failure to report known or suspected child abuse is a misdemeanor punishable with up to one year in jail and/or a \$5,000 fine.

Mandatory training must be completed annually. Anyone who files a child abuse report is not required to disclose their identity to the Boys & Girls Club of Lake Tahoe. The identity of a reporter may be disclosed only when they waive confidentiality by court order.

### **Reason for Policy**

Employers may not ask prospective employees about their criminal history during the interview process (California Fair Chance Act 2018). However, Boys & Girls Clubs of America require completing and passing a background check to secure employment or regular volunteer duties at any Club. In addition, California law (AB 506) requires all youth service organization administrators, employees, and regular volunteers to annually complete fingerprinting, a criminal background check, and mandated reporter training in child abuse and neglect. Prior to any interview or job offer, all job applicants are informed that offers of employment are considered provisional until a clear background check is obtained.

Frequent background checks and mandated reporter training ensure the safety of employees, volunteers, youth members, members' families, partners at organizations,



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

and the general public as well as the operation of the Boys & Girls Club of Lake Tahoe. It is vital that all staff and volunteers can be trusted to fulfill their duties without concern for the safety of members, or the reputation and legal obligations of the Club.

In addition, all employees and volunteers at the Club serve as role models and mentors to youth members as well as fellow staff members. Therefore, all employees and volunteers must exhibit the behaviors, morals, and values that we expect from our members.

### **Who Should Read This Policy**

All employees, contracted staff, and volunteers.

### **Resources**

Assembly Bill 506 Legislation -

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB506](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB506)

BGCA.net - Background Checks (and supporting documents)

[https://www.bgca.net/page/2343?SearchId=711105&utm\\_source=interact&utm\\_medium=general\\_search&utm\\_term=background%20checks%20policy](https://www.bgca.net/page/2343?SearchId=711105&utm_source=interact&utm_medium=general_search&utm_term=background%20checks%20policy)

BGCA.net - Mandated Reporting of Suspected Child Abuse

[https://www.bgca.net/Interact/Pages/Content/Document.aspx?id=3075&utm\\_source=interact&utm\\_medium=side\\_menu\\_category](https://www.bgca.net/Interact/Pages/Content/Document.aspx?id=3075&utm_source=interact&utm_medium=side_menu_category)

BGCA.net - Sample Reference Check Policy

[https://www.bgca.net/Interact/Pages/Content/Document.aspx?id=2378&SearchId=711103&utm\\_source=interact&utm\\_medium=general\\_search&utm\\_term=background+checks+policy](https://www.bgca.net/Interact/Pages/Content/Document.aspx?id=2378&SearchId=711103&utm_source=interact&utm_medium=general_search&utm_term=background+checks+policy)

### **Definitions**

“Employees” in this description include all paid employees, independent contractors, and teen employees.

“Regular volunteers” include teen or adult volunteers who have direct contact with or supervise children at the Club more than 16 hours in a month or 32 hours in a year. Board members, regardless of their hours with children at the Club, are considered regular volunteers.

“Short-term volunteers” include volunteers who help at events or volunteer at the Club less than 16 hours in a month or 32 hours in a year.



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

“Mandated reporter training” or “Mandated reporter training in child abuse and neglect” is a one to two hour training delivered by a member of the Club’s administration team.

A “report” or “child abuse report” is a form called the Suspected Child Abuse Report (Pursuant to Penal Code section 11166) that is filled out by any mandated reporter and submitted to law enforcement. A report can also be completed as a phone call to the local Child Protective Services.

A “barrier crime” is any misdemeanor or felony that is identified by the Boys & Girls Clubs of America or the Boys & Girls Club of Lake Tahoe and includes sexual misconduct, drug convictions, and specific criminal activities.

### **The Policy**

All prospective employees, contractors, teen employees, board members, and regular volunteers must complete fingerprinting and a criminal background check. Employment and volunteer offers are conditional until the completion and passing of background and reference checks.

After being selected to work or volunteer for the Club, background checks are ongoing and conducted annually using an online background screening service. In addition, all employees, board members, and regular volunteers must also complete mandated reporter training in child abuse and neglect annually.

### **Background and Reference Checks**

**New employees and volunteers:** Any adult staff member, volunteer, board member, and personnel onsite and in contact with our members (such as contractors providing youth programs or conducting maintenance onsite) are subject to fingerprinting and background checks. A prospective employee, contractor, or volunteer schedules their own Live Scan fingerprinting check with the El Dorado County Sheriff’s office or other Club-approved location. Because a Live Scan only captures juvenile offenders who have been tried as an adult, all teen staff must complete a background screening online through a contracted provider. Everyone pays for their portion of the cost upfront and all employees are reimbursed after the first 90 days of employment.

Background checks by a third party are also conducted to complete the following:

- Verify the person's identity and legal aliases through verification of a Social Security number
- Provide a national Sex Offender Registry search
- Provide a comprehensive criminal search that includes a federal search
- Provide a comprehensive local criminal search that includes a statewide and county-level criminal search



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

Anyone over 18 must complete a Live Scan and have clear results before working unsupervised with anyone at the Club under the age of 18. All results are shared through a secure portal which is only accessible to the Executive Director, Director of Administration, and the Club Director.

If a Live Scan or background check does not come back clear or is flagged, the job or volunteer applicant will be informed that they have been flagged for a criminal misdemeanor or felony and that the provisional offer of employment or volunteering will not move forward. The applicant will be given the opportunity to provide an explanation or additional information.

The Executive Director, Club Director, and Board Safety Committee will review the charges and determine whether the applicant poses a threat to the members and others at the Club as outlined above in the “Reasons for Policy.” An administration staff member will then inform the applicant whether the provisional offer of employment is moving forward or being rescinded. If rescinded, the applicant has the right to file a complaint with the California DFEH.

Any prospective or current employee, contractor, teen employee, board member, regular volunteer who refuses a criminal background check, makes a false statement about their background check, is a registered sex offender, or is flagged for a barrier crime will not be eligible to work or volunteer for the Club. Background checks are ongoing and conducted annually.

**Barrier crimes:** The Boys & Girls Clubs of America prohibits hiring or engaging an employee, volunteer, or board member who has been convicted of any of the following crimes: murder, child abuse, domestic violence, abduction or human trafficking, a crime involving rape or sexual assault, arson, a weapon felony, physical assault or battery, and drug possession, drug use, or distribution of drugs in the last five years. Any misdemeanor or felony conviction against children, including child pornography, is also considered a barrier crime and will not be deemed acceptable.

**Current employees or volunteers:** If an employee or volunteer incurs a criminal charge or barrier crime while they are employed or involved at the Club, they must inform the Club if they are charged or convicted. The background check system will also alert the Club to any charges made against current staff, volunteers, and other key personnel who are screened.

When the Club is informed of the criminal charge, the employee or volunteer will be contacted and given the opportunity to provide an explanation or additional information. The Executive Director, Club Director and Board Safety Committee will then



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

consider the charges and determine whether they pose a threat to the members and Club as outlined above in the “Reasons for Policy.” An administration staff member will then inform the applicant whether employment or ties with the Club will continue, continue with corrective action, or be terminated. If terminated, the applicant has the right to file a complaint with the California DFEH.

**Ongoing safety:** In any circumstance, the Club reserves the right to refuse or remove an employee or volunteer who poses a threat to the safety of staff, volunteers, members, member families, others at partner organizations, and the general public. Possible threats can be in the form of actions, words, or behaviors that threaten the reputation or operations of the Club.

**Employees and volunteers from partner organizations:** Staff or volunteers from partner organizations conducting programs or projects with Club members, on or off site, must complete and pass a background screening online at the partner organization’s expense. Partner organizations should include their background check policies in their MOU or agreement with the Boys & Girls Club of Lake Tahoe and provide written documentation to confirm their staff or volunteers participating with the Club have a clear background check.

**Special considerations and exceptions:** Short-term volunteers who participate in a single event or volunteer at the Club for a short period of time (less than 16 hours within a month or 32 hours within year) do not need to complete a fingerprinting or a background check. However, they must be supervised by a Club staff member at all times if in the presence of a Club member or youth staff member under the age of 18. If a short-term volunteer will work with or teach youth directly, the Club administration staff reserves the right to ask the volunteer to complete a Live Scan or background screening online at the volunteer’s expense.

Junior volunteers or volunteers under the age of 18 are considered active Club members and do not require any background check.

Workability students from the high school are considered “non-member volunteers” - and must complete and pass a background screening online with a Club approved service. Lake Tahoe Unified School District will be responsible for covering these charges.



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

All teen volunteers and staff, paid or unpaid, may not be left alone with any youth members and must be supervised by an adult staff member at all times. This includes teens who have completed and passed their background check.

### **Reference Checks**

Prior to selection, a minimum of two professional reference checks **MUST** be obtained for any new employee, volunteer, or board member. If the individual has had a previous connection with a Boys and Girls Club, YMCA, Scouts, Guides, or other youth-based organization, it is mandatory to complete a reference check with those organizations, even if that exceeds the minimum of two references.

One question that must be asked at all reference checks is if the individual is eligible for rehire or further involvement with their organization. No questions may be asked related to personal details, such as the person's race, ethnicity, religion, age, marital status, gender identity or sexual orientation, marital status, parenting responsibilities, or disability status.

If the Club receives a reference check for a staff member, volunteer, or board member currently or previously involved, an appropriate Club employee must respond at the earliest convenience. The person giving the reference should be cautious about sharing any information that may damage the employee, volunteer, or board member's reputation and puts the Club at risk of a defamation lawsuit. However, if there are concerns about the appropriateness of the individual in a youth or non-profit setting, it is important to state facts and share examples of these concerns.

### **Mandated Reporter Training (Child Abuse Prevention and Response)**

**Who must report:** It is a crime under the Child Abuse and Negligence Act for certain persons who have special working relationships or contact with a child not to report suspected child abuse to the proper authorities. Legal mandated reporters at the Boys & Girls Club of Lake Tahoe include all employees, board members, and regular volunteers who work or interact with children at the Club.

**Who may report:** If two or more Club employees or volunteers are present in a situation and together become aware of a known or suspected instance of child abuse, they may agree that one of them will make the required telephone and written reports. If the other mandated reporter learns that the designated individual did not file a report, they must then do so.



**BOYS & GIRLS CLUB**  
OF LAKE TAHOE

**What, when and whom to report:** If a Club employee, becomes aware of, or observes a child whom they suspect has been a victim of a child abuse, they must report the known or suspected incident(s) by telephone immediately or as soon as possible, or by written report within 24 hours.

Physical injuries and neglect are more easily detectable than less visible injuries resulting from emotional maltreatment or sexual abuse. All categories of child abuse endanger a child's health and development, and require attention.

California law defines child abuse as any of the following:

- A child is physically injured by other than accidental means.
- A child is subjected to willful cruelty or unjustifiable punishment.
- A child is abused or exploited sexually.
- A child is neglected by a parent or caretaker who fails to provide adequate food, clothing, shelter, medical care, or supervision.

**How to file a report:** There are two ways for a mandated reporter to file a report. They can fill out the Suspected Child Abuse Report (Pursuant to Penal Code section 11166) form and submit it to law enforcement or call South Lake Tahoe's Child Protective Services 24-hour response phone at 530-573-3201.

**Failure to report:** Failure to report child abuse is a misdemeanor punishable with up to one year in jail and/or a \$5,000 fine.

**Confidentiality rights of reporters:** No one making a report will be required to disclose their identity to the Boys & Girls Club of Lake Tahoe. The identity of a reporter may be disclosed only when they waive confidentiality, by court order to the agencies listed in CA Penal Code Section 11167(d). Reports of suspected child abuse and the information contained in such reports may be disclosed only in the limited circumstances set forth in the CA Penal Code 11167.5 (b).