
**The Roman Catholic Church of the Diocese of Phoenix
Human Resources Policies and Procedures**

Policy 2-7.1.3.1 Hiring - Fingerprinting

FINGERPRINTING IS MANDATORY WITHIN THE DIOCESE OF PHOENIX FOR ANY STAFF MEMBER NOT HOLDING A VALID FBI FINGERPRINT CLEARANCE CARD WHO HAS ANY ACCESS OR EXPOSURE TO MINORS.

To ensure the protection and safety of children and young people throughout the Diocese of Phoenix, all employees and coaches (whether paid employees or volunteers), must be fingerprinted. State level fingerprint clearance records will be valid for a period of three years from the date the cards are reviewed by the Arizona Department of Public Safety. At the end of the three year state clearance period, all employees or volunteers must be reprinted.

Procedures:

Background

The Roman Catholic Diocese of Phoenix is classified as a (non-profit) “private agency authorized...to receive criminal history record information for the specific purpose of evaluating the fitness of employees, prospective employees, volunteers and prospective volunteers who have regular contact with minors under the age of fifteen” (pursuant to Title 28 Code of Federal Regulations, Part 20, and ARS 41-1750).

The Arizona Department of Public Safety (DPS) provides criminal history record information in strict compliance with all federal and state laws. The law also states that any specific information about an individual criminal history record cannot be disseminated without authorization from DPS. The Diocese of Phoenix Human Resources Office is required to inform agencies and individuals to whom information will be disseminated about these rules and regulations, and the penalties for failure to observe them.

CONFIDENTIALITY OF CRIMINAL HISTORY RECORD INFORMATION

CRIMINAL HISTORY RECORD INFORMATION RECEIVED BY THE DIOCESE OF PHOENIX HUMAN RESOURCES OFFICE CAN BE USED ONLY FOR THE PURPOSE FOR WHICH IT WAS GIVEN, AND MAY NOT BE REDISSEMINATED. EVEN THE EXISTENCE OR NON-EXISTENCE OF A CRIMINAL HISTORY RECORD CANNOT BE CONFIRMED TO ANYONE NOT AUTHORIZED TO RECEIVE SUCH INFORMATION. THUS, PASTORS, PRINCIPALS, OR ANY HIRING AGENTS OF THE DIOCESE OF PHOENIX ARE SUBJECT TO CRIMINAL PENALTIES FOR ANY COMMENT WHATSOEVER THAT CAN BE CONSTRUED AS DISSEMINATION.

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Penalties for unauthorized dissemination of information arising from fingerprinting include fines (as much as \$10,000), imprisonment (from four months to ten years) and denial of future access by the Diocese of Phoenix to criminal history records.

ACCESS TO CRIMINAL HISTORY RECORD INFORMATION

PASTORS, PRINCIPALS, AND HIRING AGENTS WILL BE AUTHORIZED TO RECEIVE INFORMATION FROM THE DIOCESE OF PHOENIX GENERAL COUNSEL OR THE DIOCESE OF PHOENIX MANAGER OF PARISH HUMAN RESOURCE SERVICES ABOUT CRIMINAL HISTORY RECORDS. BUT UNDER NO CIRCUMSTANCES MAY THEY INFORM ANYONE (EXCEPT THE PROSPECTIVE/CURRENT EMPLOYEE OR VOLUNTEER) ABOUT THE EXISTENCE OR NON-EXISTENCE OF ANY CRIMINAL RECORD BECAUSE OF THE STRICT FEDERAL GUIDELINES AND PENALTIES ABOUT UNAUTHORIZED DISSEMINATION OF INFORMATION.

Procedures for Diocese of Phoenix employers:

A. Hiring of Employees

After a pastor, principal or appropriate authority interviews an applicant for an employment position, and decides to offer that applicant the position, the pastor, principal or appropriate authority must send the applicant for fingerprinting. All offers of employment are conditional until references have been checked, fingerprints have been taken and reviewed by the Arizona Department of Public Safety, a state level fingerprint clearance has been received and reviewed, and the prospective employee's criminal history record has been reviewed.

If it is necessary for the person to begin work immediately, the pastor, principal or appropriate authority must have the applicant read and sign the Pre-Employment Statement or the pastor, principal or appropriate authority must include a contingency statement in the offer letter or contract.

Employees of one location in the Diocese who do not have a valid FBI Fingerprint Clearance Card, and who are hired at another location within the Diocese, must have their fingerprints rolled for employment at the new location, even if they have been fingerprinted within the prior three year period.

Blank fingerprint cards must be obtained from the Diocese of Phoenix Human Resources Office or the Catholic Schools Office. Fingerprints may be rolled at the parish, an agency, or by an appointment with the Diocese of Phoenix Human Resources Office or the Catholic Schools Office.

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Preschool or certified school employees completed fingerprint cards must be sent with any required paperwork, directly to the Arizona Department of Public Safety with appropriate fees by the individual or agency that rolls the prints. Preschool or certified school employees are responsible for providing their employer with a copy of their current fingerprint clearance cards for their personnel file.

All other completed fingerprint cards must be forwarded to the Diocese of Phoenix Human Resources Office. The applicant's Diocese of Phoenix employer will be billed for the service.

The Diocese of Phoenix Human Resources Office or the Catholic Schools Office will submit all fingerprint cards received to the Arizona Department of Public Safety for review. The review process usually takes two weeks.

B. Selection and Screening of Volunteer Coaches

Before any person can volunteer at a parish, school or other Diocese of Phoenix facility as a Coach, that person must submit to fingerprinting and a criminal background check. No person can volunteer at a parish, school or other Diocese of Phoenix facility as a Coach, until fingerprints have been taken and reviewed by the Arizona Department of Public Safety, a state level fingerprint clearance has been received and reviewed, and the person's criminal history record has been reviewed.

If a volunteer Coach at a parish, school or other Diocese of Phoenix facility does not have a valid FBI Fingerprint Clearance Card, and moves to another location within the Diocese, that person must have their fingerprints rolled at the new location, even if they have been fingerprinted within the prior three year period.

Blank fingerprint cards for volunteers must be obtained from the Diocese of Phoenix Human Resources Office or the Catholic Schools Office. Fingerprints may be rolled at the parish, an agency, or by an appointment with either office. The Diocese of Phoenix Human Resources Office or the Catholic Schools Office will submit all fingerprint cards received to the Arizona Department of Public Safety for review, and the location at which the volunteer serves will be billed for the service. The review process usually takes two weeks.

C. Notification of Results

When the Diocese of Phoenix Human Resources Office receives an applicant's criminal history record from the Arizona Department of Public Safety, and if that record indicates a past criminal history, the Diocese of Phoenix Human Resources Office will inform the employer/volunteer location as soon as possible of that result.

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When the Diocese of Phoenix Human Resources Office informs a pastor, principal or appropriate authority that a prospective employee or volunteer has a criminal history record, the pastor, principal or appropriate authority shall inform the prospective employee or volunteer that a record exists and that he or she may contact the Arizona Department of Public Safety to “review and challenge” his/her state level fingerprint clearance record.

When the criminal history record reveals that the prospective employee or volunteer has been convicted of a crime with a minor or is a registered sex offender, he or she may not be hired, continue employment or volunteer under any circumstances, even while his/her record is under “review and challenge”.

D. Review and Challenge

If the applicant disagrees with the results and states that he or she has not been convicted of the alleged charges, the pastor, principal or appropriate authority should advise him or her to “review and challenge” his/her record with the Arizona Department of Public Safety (DPS).

Steps to review and challenge a record:

- 1) Applicants may call DPS, Criminal History Records Department, at (602) 223-2000 and obtain a “Record Review Packet”.
- 2) Applicants will follow the instructions in the packet, and send the packet back to DPS for processing.
- 3) A response, including a copy of any existing criminal record information, will be mailed to the applicant within 15 days of receipt of the complete review packet.
- 4) Upon receipt of the record review results, if the applicant feels his or her record is inaccurate or incomplete, he or she may challenge their criminal history record by completing the “Review and Challenge of Arizona Criminal History Record Information” form which is mailed with the results of the record review. The applicant will mail the form to the Criminal History Records Section at the address listed on the form.
- 5) The Central State Repository will audit the information by contacting the criminal justice agency(ies) within Arizona that provided the information to the Central State Repository in order to verify the data.
- 6) If a correction is necessary, the Central State Repository will update/modify the applicant’s criminal record and notify the Federal Bureau of Investigation (FBI) of any modifications to ensure the state and federal records are synchronized.
- 7) The audit result will be mailed to the applicant with a copy of his or her updated criminal record, if applicable. The response should be received within 15 days of the request.

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Whenever an applicant successfully “reviews and challenges” his or her criminal history record, they may inform the Diocese of Phoenix location of the results.

Form: Pre-Employment Statement

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Approved by Bishop Thomas J. Olmsted: September 9, 2011