

5.2.3 Live Scan Fingerprinting

(a) Policy

- (1) California Correctional Health Care Services (CCHCS) and Division of Health Care Services (DHCS), California Department of Corrections and Rehabilitation (CDCR) shall ensure that all prospective employees, contractors, and volunteers have cleared a criminal record check, which includes Live Scan fingerprinting requirements. California law authorizes certain governmental agencies/departments to conduct Criminal Offender Record Information (CORI) checks on individuals applying for a license/certification, employment, or as a contractor/volunteer within law enforcement agencies/departments.
- (2) All prospective employees and contractors responsible for patient care shall have a cleared CORI check prior to beginning employment. All other contractors and volunteers shall have a cleared CORI check prior to entering an institution to provide services. All prospective institution and headquarters (HQ) employees not responsible for patient care shall have a CORI check conducted upon appointment.
- (3) All offers of employment or other invitations to provide services for anyone providing patient care are tentative until Live Scan fingerprinting requirements are met and approved by Human Resources (HR).
- (4) An exception may be granted for patient care providers (both employees and contractors) to access an institution for the purposes of obtaining classroom training and/or orientation; however, Live Scan clearance must be obtained before providing patient care.
- (5) CCHCS employees designated to perform Live Scan fingerprinting functions, and who may have access to confidential CORI, shall abide by all laws, policies, and training requirements set forth in applicable California Penal Code sections, California Government Code sections, Department of Justice (DOJ), and CDCR/CCHCS policies. Each CCHCS employee designated to operate Live Scan fingerprinting systems and equipment and/or access CORI, shall read and complete a [California Department of Justice, Employee Statement, Use of Applicant Criminal Offender Record Information](#) form.

(b) Purpose

To outline Live Scan fingerprinting requirements within CCHCS and DHCS for those conducting Live Scan fingerprinting, applying for employment, or providing services within CCHCS/CDCR facilities.

(c) Applicability

(1) Live Scan fingerprinting submissions are required in the following instances:

- (A) Non-Sworn Personnel: Employees in non-sworn classifications; those who are paid by the State.
- (B) Peace Officer Auxiliary: Employees in peace officer classifications including retired annuitants and those applying to become Peace Officers.
- (C) Contractor/Volunteer: Prospective CCHCS contractors, sub-contractors, volunteers, and interns.
- (D) Retired Peace Officer (RPO): RPO submissions for a Carry Concealed Weapon (CCW) permit and any peace officer employees retiring and requesting a CCW endorsement on their retired identification (ID) card.
- (E) CCHCS/DHCS Employees: Prospective employees who must obtain or renew a state license/certification to perform their job duties (e.g., Licensed Vocational Nurse, Pharmacist).
- (F) Retired Annuitants/Reinstatements: Prospective employees reinstated after a permanent break in state service.
- (G) Transfers from outside CDCR/CCHCS: Prospective employees applying to transfer from another State agency/department.

(2) Exceptions

An applicant who lives out-of-state and cannot travel to California may submit a manual *FD-258 Fingerprint Card*. Alternatively, the exception process may be requested allowing the applicant to complete the Live Scan process at the assigned institution or HQ upon arrival in California.

(3) Employee Transfers

When an employee is transferring from one CDCR office, institution, etc., to another, including a transfer from the Division of Juvenile Justice (DJJ) to Division of Adult Institutions (DAI) or DAI to DJJ, the hiring manager/supervisor shall contact the appropriate HQ or Regional Live Scan Analyst who shall coordinate with the Office of Peace Officer Selection (OPOS), via the Live Scan Unit email at CDCRLiveScan@cdcr.ca.gov, to verify that the employee has a Live Scan fingerprint record on file and shall initiate the No Longer Interested process with the appropriate personnel office. Another Live Scan submission shall be necessary.

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(d) Procedure

(1) Prior to Scheduling a Live Scan Fingerprinting Appointment

(A) CCHCS HQ program Personnel Liaison (PL)/Regional Human Resources Office (RHRO)/ Regional Human Resources Field Liaison (RHRFL) staff shall ensure each prospective employee, contractor, or volunteer completes and signs a:

1. [CDCR 1951, Supplemental Application for All CDCR Employees](#). Disclosure of prior arrests or convictions by a prospective employee, contractor, or volunteer, as noted on the CDCR 1951, must be compared with the results of the Live Scan. If there are discrepancies, the candidate may be disqualified for the position.
2. [CDC 1199, Applicant Notification and Acknowledgement](#). Applicants acknowledge notification of being fingerprinted for the purpose of obtaining a CORI check from DOJ, and if subsequently arrested or convicted of any violations of the laws, the applicant must promptly notify the hiring manager/supervisor.

(B) Contractors and Volunteers

1. All communication with contractors and volunteers shall be conducted through the CCHCS HQ PL/institution's contract analyst.
2. Contractors and volunteers shall be accompanied to the Live Scan fingerprinting appointment by the CCHCS HQ PL/RHRO staff.
3. ID cards shall not be issued, and services may not be commenced, until the contractor or volunteer's Live Scan fingerprinting results are received and cleared by HR.

NOTE: The exception process noted herein shall be utilized for contractors and vendors that have not obtained or are pending Live Scan clearance.

(2) Scheduling Live Scan Fingerprinting

The following outlines procedures for requesting LiveScan fingerprinting at CCHCS HQ/institutions:

(A) HQ Staff

1. CCHCS HQ HR Reception Unit staff shall schedule and perform Live Scan fingerprinting for all prospective CCHCS/DHCS employees, contractors, and volunteers assigned to work at HQ.
2. The program PL or manager/supervisor shall notify CCHCS HQ HR Reception Unit staff of the need for Live Scan fingerprinting via email to CCHCSLiveScanIDAppts@cdcr.ca.gov.
3. Live Scan fingerprinting shall not be completed unless the identity of the prospective employee, contractor, or volunteer is verified via a state-issued driver's license/ID card.

(B) Institution Staff

1. RHRO staff shall schedule and perform Live Scan fingerprinting for all prospective CCHCS/DHCS employees, contractors, or volunteers assigned to work at an institution.
2. The contract analyst shall coordinate a date and time with the prospective contractor or volunteer, and RHRO staff to complete the Live Scan process.

(3) DOJ/Federal Bureau of Investigation (FBI) Live Scan Applicant Response Results

(A) DOJ/FBI provides Live Scan fingerprint results to the hiring authority or designee that submitted the request.

(B) HR shall complete the [CDCR 2164, Live Scan Response Form DOJ/FBI/Firearms](#).

(4) Exception Process for Patient Care Providers

Circumstances may arise when CORI results are not obtained timely and a need is identified for a provider, either employee or contractor, to begin working. Upon approval, via the Receiver's Freeze Exemption Request process, authorization may be granted for an employee or contractor responsible for patient care to begin work for purposes of obtaining classroom training and/or orientation; however, Live Scan clearance (CORI) must be obtained before providing patient care.

(A) Civil Service Employees

The following procedures shall be followed if the exception process is approved for civil service employees.

1. Employee Pre-Employment
 - a. The patient care provider shall have a Live Scan fingerprint completed as soon as possible after a tentative offer is made.
 - b. The patient care provider shall complete and sign the CDCR 1951 and the [Live Scan Acknowledgment](#) form.

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- c. The Chief Executive Officer (CEO) shall approve all hires utilizing this process by approving the Live Scan Acknowledgment Form.
2. Tracking Live Scan Clearance
 - a. The RHRFL shall monitor and track all outstanding Live Scan clearances.
 - b. Upon receipt of Live Scan results, which may include Record of Arrests and Prosecutions (commonly referred to as a RAP sheet), the RHRFL shall compare the results with the CDCR 1951 completed by the employee. If there are no discrepancies, the RHRFL shall notify the CEO and program manager by email, indicating the Live Scan results have been received and the employee is cleared.
 - c. If there is a discrepancy between the Live Scan results and the CDCR 1951, the RHRFL shall immediately notify the CEO to begin the review and determination process.
 - 1) A copy of the CDCR 1951, CDCR 2164, Live Scan Acknowledgment Form, and RAP sheet shall be packaged and sent to the CEO for review.
 - 2) A duplicate package shall also be prepared for the Warden's review and acknowledgment.
 - d. If the outcome of the review and determination process results in a failure to clear the employee for continued employment, the CEO shall contact the assigned Health Care Employee Relations Officer (HCERO) and initiate termination of employment.

(B) Contract Providers

The following procedures shall be followed if the exception process is approved for contract providers responsible for patient care.

1. Contract providers shall have a Live Scan fingerprint completed as soon as possible after approved for placement.
2. Contract providers shall also complete the Gate Clearance process. This will ensure the provider is approved to access the institution in compliance with CDCR policy.
3. Contract providers may attend classroom training and/or orientation prior to Live Scan results being received and approved
4. Contract providers may not provide patient care until Live Scan results are received and approved.
5. The Health Care Contracts Section Manager or designee shall monitor and track Live Scan clearance.
6. The Health Care Contracts Section Manager or designee shall notify the CEO and program manager by email to advise if the contract provider was cleared to provide patient care.

(5) DOJ/FBI CORI Subsequent Arrest Notification

- (A) Once a prospective employee, contractor, or volunteer has been fingerprinted for Live Scan, DOJ forwards a Subsequent Arrest Notification to CCHCS's HR Reception Unit if/when an individual is arrested. DOJ/FBI CORI Subsequent Arrest Notifications are maintained by the HR Reception Unit.
- (B) The Associate Director, HR, or designee shall review the Subsequent Arrest Notification and forward it to the HCERO, Performance Management Unit (PMU), CCHCS via the PMU Program Manager.
- (C) The HCERO shall determine if the employee notified CCHCS of the arrest, and if applicable, contact the Hiring Authority to determine the appropriate disciplinary action.
- (D) Copies of a DOJ/FBI CORI Subsequent Arrest Notification and/or firearm denial/prohibition shall be provided by the Associate Director, HR, or program Section Chief to an affected employee, contractor, or volunteer upon request.
- (E) Requests shall be placed in a sealed envelope (marked "Confidential"), and the employee, contractor, or volunteer is to obtain the notification in person.
- (F) CORI information may also be provided by the Associate Director, HR, or program Section Chief to other offices within the Department that are responsible for handling employee investigations and discipline (e.g., Office of Internal Affairs, PMU).
- (G) HQ HR Reception Unit staff shall track via the [California Correctional Health Care Services Human Resources Headquarters - Subsequent Arrest Notification log](#), when and to whom a copy of CORI information was provided in the event of a DOJ audit.
- (H) HR Regional staff shall track via the [California Correctional Health Care Services Human Resources Regional - Subsequent Arrest Notification log](#), when and to whom a copy of CORI information was provided in the event of a DOJ audit.

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(6) No Longer Interested Notification

Once an employee separates (regardless of the type of separation), or when a contractor's or volunteer's services are terminated or no longer needed, CCHCS has no legal authority to continue receiving Subsequent Arrest Notification information on the individual. The [OPOS 11T, No Longer Interested Notification](#) shall be submitted to DOJ by CCHCS HQ Personnel Specialist/Institutional Personnel Office staff for any of the following:

(A) Employees who have separated from CDCR/CCHCS.

(B) NOTE: An OPOS 11T should not be sent to DOJ for retired employees.

(C) Contractors, volunteers, vendors, or other service providers whose services are no longer required/terminated.

(D) Civil service applicants who were fingerprinted but not hired by CDCR/CCHCS.

References

- California Government Code, Title 1, Division 4, Chapter 1, Article 2, Section 1043
- California Labor Code, Division 2, Part 1, Chapter 3, Article 3, Section 432.9
- California Penal Code, Part 4, Title 1, Chapter 1, Article 2.5, Sections 11075-11079
- California Penal Code, Part 4, Title 1, Chapter 1, Article 3, Sections 11102.1 and 11105
- California Department of Corrections and Rehabilitation, Department
- Operations Manual, Chapter 3, Article 6, Sections 31060.16, 31060.18, and 31070.3
- California Department of Corrections and Rehabilitation, Department Operations Manual, Chapter 10, Article 9, Section 101090.3

Revision History

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