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# 45 C.F.R. § 1302.90

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## Personnel policies.

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- (a) *Establishing personnel policies and procedures.* A program must establish written personnel policies and procedures that are approved by the governing body and policy council or policy committee and that are available to all staff.
- (b) *Background checks and selection procedures.* (1) Before a person is hired, directly or through contract, including transportation staff and contractors, a program must conduct an interview, verify references, conduct a sex offender registry check and obtain one of the following:
- (i) State or tribal criminal history records, including fingerprint checks; or,
  - (ii) Federal Bureau of Investigation criminal history records, including fingerprint checks.
- (2) A program has 90 days after an employee is hired to complete the background check process by obtaining:
- (i) Whichever check listed in paragraph (b)(1) of this section was not obtained prior to the date of hire; and,
  - (ii) Child abuse and neglect state registry check, if available.
- (3) A program must review the information found in each employment application and complete background check to assess the relevancy of any issue uncovered by the complete background check including any arrest, pending criminal charge, or conviction and must use Child Care and Development Fund (CCDF) disqualification factors described in 42 U.S.C. 9858f(c)(1)(D) and 42 U.S.C. 9858f(h)(1) or tribal disqualifications factors to determine whether the prospective employee can be hired or the current employee must be terminated.

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