



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

April 9, 2020

Emergency Child Care Employment Guidance

Please note that this guidance has been revised from prior issuance to further streamline the process and outline new expectations.

As a result of the [Executive Order 202.5](#), issued by Governor Cuomo in response to the COVID-19 public health emergency, the Office of Children and Family Services (OCFS) has been granted the authority to waive certain background check and training requirements. This waiver allows child care programs to onboard new employees without completing the comprehensive background check process and the pre-service health and safety training requirements. This guidance is applicable to licensed, registered, and legally exempt group child care programs, and is intended to help programs quickly onboard new staff during the emergency.

OCFS is aware that as a result of the COVID-19 emergency, there are local challenges preventing the completion of comprehensive background checks. During the COVID-19 public health emergency, OCFS is temporarily allowing the procedures outlined below. OCFS requires completion of the following activities, by the child care program, if the program wishes to onboard new staff. These actions must be completed for OCFS licensed/registered and legally exempt group child care programs:

1. Complete and submit the OCFS Waiver Request Form, [OCFS-4887](#), requesting to waive the Comprehensive Background Check and pre-service health and safety training requirements. The waiver request must list all of the employees in the program for which the comprehensive background checks and health and safety training are being waived, and include their full name and date of birth. The waiver must include: a detailed description of the program's staffing plan; how adequate supervision of children will be maintained as a result of the waiver being issued; and the results of the program's search of the NYS Division of Criminal Justice Services Public Registry of Sex Offenders. Waiver requests must be accompanied with the submission of the Statewide Central Register (SCR) database check form, LDSS-3370. Waivers will be reviewed and approved on a case-by-case basis. Approved waivers must be maintained onsite at the program for their approved duration.
 - a. All waiver requests, along with the SCR database check form (LDSS-3370), must be submitted to the OCFS clearance unit at ocfs.sm.dccs.clearance@ocfs.ny.gov or mailed to:

NYS OCFS
DCCS Clearance Unit
52 Washington Street, Rm 309s
Rensselaer, NY 12144

2. Programs must complete an online search of the NYS Division of Criminal Justice Services Public Registry of Sex Offenders for each new employee being hired. This can be done by going to <https://www.criminaljustice.ny.gov/nsor/>. An individual cannot be hired if his/her name appears on the Registry. Results of successful completion of the check of the NYS Sex Offender Registry must be documented, for each employee, on the waiver request and maintained onsite at the program, and clearly indicate the name of the individual and date of completion.
3. Each employee must complete the Emergency Employment Attestation for Adults form, OCFS-6051. This form must be maintained onsite at the program. This form can be found at <https://ocfs.ny.gov/programs/childcare/#t1-Updates-and-Important-Announcements>.

PLEASE NOTE: For onboarding new program directors and onsite providers, where applicable, the search of the NYS Sex Offender Registry will be completed by OCFS licensing/registration or enrollment staff and similarly documented. For these roles, the required attestation forms must also accompany the submitted waiver request and SCR database check (LDSS 3370) form.

The ability to issue waivers for comprehensive background checks and health and safety training is a temporary measure, taken to support programs in their ability to provide essential services during the COVID-19 emergency. While the issuance of a waiver will exempt the requirement for pre-service health and safety training, programs may still elect to have employees complete this training and OCFS strongly recommends this practice. Any employees being onboarded in this manner will ultimately be required to complete the OCFS comprehensive background check and pre-service health and safety training requirements, as these exemptions will only be applicable for the duration of the emergency. Child care employees who have not completed the comprehensive background checks will remain under the supervision of an individual who has been previously cleared and approved.