



BOYS & GIRLS CLUBS
OREGON ALLIANCE



Oregon Alliance of YMCAs

**Testimony from Oregon Alliance of Boys & Girls Clubs and Oregon Alliance of YMCAs re: Senate bill 1547
February 3, 2022
to the Senate Committee on Human Services, Mental Health and Recovery**

Chair Gelsner Blouin, Vice-Chair Robinson, and members of the committee:

We respectfully submit the below testimony regarding **SB 1547**, which would require operators, employees and certain volunteers of recorded preschool programs and school-age recorded programs to be enrolled in the Central Background Registry.

The Oregon Alliance of Boys & Girls Clubs (ORBGC) and Oregon Alliance of YMCAs (YMCA) represent the largest providers of afterschool and summer programs for youth in the state, with the ORBGC representing 40 recorded programs and the YMCA Alliance representing 31. **Safety is our number one priority** and we support the goal of this bill to ensure a safe environment for all youth, and we will work to ensure we continue to hold the highest degree of safety standards.

Under SB 1547, ORBGC estimates that our organizations would have approximately 660 staff and 3000 volunteers to enroll in the Central Background Registry and YMCAs estimate 200 - 300 staff and volunteers in addition to those currently in recorded programs that are already enrolled in the CBR (because they may have previously worked in licensed sites). With nearly 4,000 employees and volunteers in total between our two organizations needing to enroll in the CBR, the ability of our providers to complete the CBR process in a timely way is absolutely critical to our ability to continue to staff our operations and operate effectively and efficiently, to meet the needs of kids and families in our community.

While our organizations are neutral on SB 1547, there are a few concerns we would like to communicate (all of which we have discussed with the Department's Early Learning Division (ELD)) regarding the bill's impact on recorded programs. We greatly appreciate the willingness of the ELD to be receptive to our concerns and make adjustments thus far based on some of the concerns we've stated in the past, especially in that the Department will be covering the costs to recorded program providers, implementing a grace period for existing employees to enroll, and acknowledging that employees approved by the CBR are permitted to change the site location they are working at in an organization, without requiring an additional CBR check. We have shared other feedback with ELD recently and appreciate their willingness to discuss those concerns. Below are key points we expressed to ELD and summarize below:

- Currently, there are discrepancies between the CBR and our providers requirements, in some cases due to our background check requirements, process and/or related hiring decisions being more stringent. This, along with other points we note below, will result in our providers' need to continue to conduct their own independent background checks in addition to the CBR process:

- All misdemeanors against children discovered in a background check prohibit a B&GC from hiring that individual, while currently, a misdemeanor against a child is not an automatic disqualifying condition for the CBR.
- The CBR rescreen timeline requires scans of specific sources every 3 months; however, a full rescreen occurs every 2 1/2 years; therefore, organizations including B&GCs would need to do a rescreen every twelve months to fulfill our own requirements.
- BGCs run background checks on minors, while the CBR does not.
- **The timeliness of processing a check is a key issue for our afterschool and summer provider organizations** as it affects organizations' abilities to fill operational gaps in a timely and cost-effective way is critical. The 4-day timeframe for "conditional" enrollment, which requires the employee be supervised, is workable in most cases; however, the full CBR check will take longer. By comparison, if our providers perform their own checks, results are typically received in 24-48 hours. We are concerned about CBR checks being run in a timely way given the number of recorded programs our providers have and increases in hiring during peak times such as prior to summer programs. If the CBR's initial check process is longer than 4 days, potential employees may not be able to start work; and if full background check results take significantly longer than planned, providers will likely face staffing challenges, with more staff required and additional costs incurred during that time.
- We are concerned about the timeliness of the CBR process and **strongly support necessary Department staffing additions and resources** as afterschool/summer recorded program providers become part of the CBR.
- Because of some differences in the requirements (with our providers' requirements being more stringent in several cases); the limited visibility providers would have on the process and the outcome; and the need to be able to have background checks on file, in some cases to meet government grant requirements, B&GC providers will still need to run our own background checks before employment and rescreen more often than the CBR. YMCAs conduct separate background check systems on all YMCA employees and would also continue to do so. Therefore, the CBR will require a duplicate process and add time to the hiring process for many organizations.
- We have concerns about **liability for afterschool/summer providers**. Situations could arise in which a provider, based on their own background check of an applicant, decides not to hire an applicant, however, the CBR could determine that the applicant is eligible for enrollment in the CBR/hiring, and would receive a letter stating that. We are concerned about liability to the provider if making an employment decision contrary to the CBR's decision and are researching that. Similarly, we are concerned about liability to providers due to potential errors by the CBR and appreciate ELD noting that the state would bear liability for the checks it runs and decisions it makes. Providers acting on those decisions, however, may expose themselves to potential liability also, however.
- We **request that providers be able to access an online database** as an efficient, timesaving option for providers to check on pending background check results, in addition to the option to call a customer service line. We also **request that providers be able to receive communication with the same details provided to the applicant**, if the provider/employer has received consent from the applicant.

We greatly appreciate the ELD's and this committee's consideration of our feedback on Senate bill 1547.

Sincerely,



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