



## NOTICE TO APPLICANT

### Hiring Criteria: Background Compliance and Driving Records Child Care Development & Head Start Programs

#### Background Compliance

Youth & Family Services (YFS) strives to provide a safe environment for its employees, volunteers, children and their families. To comply with the respective laws and regulations, including but not limited to South Dakota Child Care Licensing Regulations and Head Start Program Performance Standards, YFS conducts background checks. The type of background check varies by position and may include, but is not limited to, criminal (felony and misdemeanor) history, national sex offender registry, central registries of child abuse and neglect, and motor vehicle record (MVR) history.

In summary, the applicant will be ineligible for employment if:

- The applicant refuses to consent to the criminal background check.
- The applicant knowingly makes false statements in connection with the background check information.
- The applicant's name appears on the Sex Offender Registry.
- The applicant is registered, or required to be registered, on the Sex Offender Registry.
- The applicant's name appears on the Central Registry for Child Abuse and Neglect.
- The applicant has been convicted of a felony consisting of: murder, child abuse or neglect; a crime against children, including child pornography; spousal abuse; a crime involving rape or sexual assault; kidnapping; arson; physical assault or battery; or drug-related offenses committed during the preceding five (5) years.
- The applicant has been convicted of a violent misdemeanor committed as an adult against child (child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography).
- The applicant has been convicted of any other felony within the preceding five (5) years.

Please refer to the following sources for details related to background compliance:

#### SD Child Care Licensing:

##### [Chapter 67:42:10: Licensed Day Care Programs](#)

*Before hiring an individual to work at the center, the center shall comply with the screening requirements of §§ [67:42:16:04](#) and [67:42:16:05](#) [[§ 67:42:10:09](#)].*

#### Head Start Program Performance Standards:

##### [Part 1302—Program Operations](#)

*A program must 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 [[1302.90 Personnel policies](#)].*

#### YFS Driving Record Criteria

##### Definitions of Driver Types:

1. Safety Sensitive Driver – driver of vehicles requiring a commercial driving license (CDL) regardless of frequency.
2. Transporting Driver – transports clients but not in vehicles requiring CDL.
3. Non-Transporting Driver – regularly drives personal or agency vehicle for business purposes but never transports clients.
4. Incidental Driver – infrequently drives personal or agency vehicles (up to three times per month) for business purposes but never transports clients.
5. Non-Driver – never drives personal or agency vehicles during work time. This classification is used for positions that truly require no driving for work purposes or if an employee's driving record is not within the driver criteria, which disqualifies the employee from driving at all for the agency.

**Driving Record Criteria:** The MVR will be checked. For Safety-Sensitive Drivers and Transporting Drivers the most recent six (6) years of history will be referenced. For Non-Transporting Drivers and Incidental Drivers the most recent three (3) years will be referenced. During the respective periods, the MVR must not contain any of the following violations:

##### Major Violations

1. Operating a motor vehicle with no license or with a suspended/revoked license.
2. Driving under the influence of alcohol or drugs.
3. Reckless driving.
4. Negligent homicide arising out of the use of a motor vehicle.
5. Aggravated assault with a motor vehicle.
6. Exceeding the speed limit by 21 miles per hour in past three years.
7. Texting or using a cell phone while driving a commercial vehicle.

##### Moving Violations

8. More than two moving violations in the past three years.
9. More than two at-fault accidents in the past three years.
10. More than one at-fault accident in any one year.

Please note that for any position with the "transport children" job responsibilities, the new employees will be added to the pool for random drug and alcohol testing.