

INSTRUCTIONS

Effective 12/31/19 a certified child care center, group child care home, or family child care home provider cannot employ an individual as a provisional hire unless the provider has a waiver approved by the Office of Child Development and Early Learning (OCDEL) from the Pennsylvania Department of Human Services (DHS). An application covers all employees at a specific location. A separate application is not needed for each new hire.

Listed below are instructions for completing the Provisional Hire Waiver Request for Child Care. The application is available as a fillable Adobe PDF file. It can also be printed out for completion and mailed, emailed, or faxed. Electronic signatures are acceptable.

Contact your Regional OCDEL with questions regarding your Waiver Request Application. Follow the link: <http://files.constantcontact.com/3e3d36fe201/46f78a7b-2a60-49c6-ba2c-9256fc80e963.pdf> to determine the appropriate Regional Office.

After you have completed the Waiver Request Application, select ONE method below to submit it. Retain a copy of the signed and dated application with the facility records.

MAIL	EMAIL	FAX
Tamula Ferguson Bureau of Certification Services Office of Child Development and Early Learning Department of Human Services 333 Market Street, 6th Floor Harrisburg, PA 17126	<u>RA-PWDRACERT@PA.GOV</u> Subject Line: PROVISIONAL HIRE WAIVER REQUEST - FACILITY NAME - MPI NUMBER	717-787-1529 Attention: Tamula Ferguson Bureau of Certification Services Office of Child Development and Early Learning

Section 1: IDENTIFICATION INFORMATION – This section is to be completed by the Legal Entity or person responsible for the Legal Entity. Complete all information.

Section 2: DESCRIPTION OF THE PROVISIONAL HIRE REQUIREMENTS FOR THE WAIVER – This section is to be read by the Legal Entity or person responsible for the Legal Entity. Read all information in this section. Note that all requirements stated in this section must be met for the waiver to be considered.

Section 3: ADDITIONAL REQUIREMENTS FOR THE WAIVER – This section is to be completed by the Legal Entity or person responsible for the Legal Entity. Read all information in this section. Note that all requirements stated in this section must be met for the waiver to be considered.

Section 4: REASON FOR REQUESTING THE WAIVER – This section is to be completed by the Legal Entity or person responsible for the Legal Entity. Complete this section stating the specific reason for the waiver request.

Section 5: ACKNOWLEDGMENT THAT THE LEGAL ENTITY OR PERSON RESPONSIBLE FOR THE LEGAL ENTITY WHO IS RESPONSIBLE FOR EMPLOYMENT WILL MEET ALL REQUIREMENTS LISTED IN THE WAIVER REQUEST APPLICATION – This section is to be completed by the Legal Entity or person responsible for the Legal Entity. Complete all information. The waiver request application is not valid without this section completed. A signature here acknowledges that you understand and agree to all requirements set forth in the Waiver Request Application and 23 Pa. C.S. § 6344(m).

Section 6: INDICATE HOW DHS SHOULD RESPOND TO YOU WITH THE APPROVAL OR QUESTIONS – This section is to be completed by the Legal Entity or person responsible for the Legal Entity. Make only ONE selection. If more than one selection is made, then OCDEL will automatically choose the most efficient method of response.

PLEASE NOTE: If any section of the application is crossed off or incomplete, OCDEL will return the application requesting a completed Waiver Request Application. This will delay the approval process. All waivers will be processed in the order in which they are received. The effective date of the waiver approval will be the date that OCDEL receives the complete application.

Once the individual receives the approval response from OCDEL, the approved waiver letter shall be maintained in a file on site and made available for an agent of the department during inspections.

PLEASE USE THIS FORM TO REQUEST PERMISSION TO HIRE ALL APPLICANTS ON A PROVISIONAL BASIS WHEN THE APPLICANTS HAVE NOT SUBMITTED ALL REQUIRED CHILD CARE CLEARANCES/CERTIFICATE.

Effective December 31, 2019, employers, administrators, supervisors, or other persons responsible for employment decisions in a certified child care center, group home, or family child care home (child care facility), may not employ applicants on a provisional basis unless the Legal Entity or person responsible for the Legal Entity requests a waiver and receives approval from the Department of Human Services (DHS). The waiver, if approved, is valid as long as the child care facility maintains the same location.

The Legal Entity or person responsible for the Legal Entity who is responsible for employment must submit this application to DHS to request the waiver of the provisions of the Child Protective Services Law **23 Pa. C.S. Section 6344(m) (relating to employees having contact with children; adoptive and foster parents)**. This form is required for each child care facility that will employ an individual for a provisional hire period not to exceed 45 days.

Section 1: IDENTIFICATION INFORMATION

LOCATION NAME:	LEGAL ENTITY NAME:
LOCATION PHYSICAL ADDRESS:	
LEGAL ENTITY MAILING ADDRESS:	
LEGAL ENTITY/PERSON RESPONSIBLE FOR THE LEGAL ENTITY:	LEGAL ENTITY/PERSON RESPONSIBLE FOR THE LEGAL ENTITY PHONE NUMBER:
MPI NUMBER:	

Section 2: DESCRIPTION OF THE PROVISIONAL HIRE REQUIREMENTS FOR THE WAIVER

- 1) The Legal Entity or person responsible for the Legal Entity who is responsible for employment must obtain from the applicant, either the result of the PA State Police (PSP) Criminal History Clearance or the DHS required FBI clearance. The Legal Entity or the person responsible for the Legal Entity shall maintain copies of the applicant's completed request forms for the balance of the required clearances. The balance of the required clearances include Child Abuse Clearances, either the PSP clearance or the DHS required FBI clearance (whichever completed clearance is not on file), the NSOR verification, and out-of-state clearances if individual has resided outside of Pennsylvania and works in a child care facility in Pennsylvania.
- 2) The waiver request, once approved, allows a 45-day provisional hire period for the applicant until all required clearances are on file with the provider. The provisional hire period must not exceed 45 days.
- 3) It is a violation of 55 Pa. Code §3270.32, §3280.32, or §3290.32 if the provider employs an individual provisionally and does not have a DHS approved waiver or fails to comply with the conditions outlined in the Waiver Request Application and 23 Pa. C.S. §6344(m).

Section 3: ADDITIONAL REQUIREMENTS FOR THE WAIVER

The Legal Entity or person responsible for the Legal Entity who is responsible for employment must acknowledge on this form that all the following provisions are met for the waiver to be considered.

- 1) The Legal Entity or person responsible for the Legal Entity shall certify that each applicant(s) who does not have the appropriate clearances shall read and sign the department's disclosure statement.
- 2) The Legal Entity or person responsible for the Legal Entity has no knowledge of information pertaining to the applicant(s) which would disqualify him/her from employment.
- 3) The Legal Entity or person responsible for the Legal Entity shall certify that the applicant, who is in the 45-day provisional hire period, will not work alone with children and must be supervised at all times by a permanent employee qualified at minimum as the Assistant Group Supervisor. The supervision of the applicant continues until the applicant submits all outstanding clearances within the 45-day period. If after 45 days, the applicant does not submit all of the clearances, the applicant must be immediately dismissed from the child care position.

Section 4: REASON FOR REQUESTING THE WAIVER

Section 5: ACKNOWLEDGMENT THAT THE LEGAL ENTITY OR PERSON RESPONSIBLE FOR THE LEGAL ENTITY WHO IS RESPONSIBLE FOR EMPLOYMENT WILL MEET ALL REQUIREMENTS LISTED IN THE WAIVER REQUEST APPLICATION

I certify that I will meet the waiver requirements as prescribed above. I hereby swear/affirm that the information as set forth above is true and correct.

SIGNATURE	TITLE	DATE
SIGNATURE	TITLE	DATE

Section 6: INDICATE HOW DHS SHOULD RESPOND TO YOU

<input type="checkbox"/>	EMAIL ADDRESS (ALL CAPITAL LETTERS)				
<input type="checkbox"/>	FAX NUMBER (INCLUDING AREA CODE)				
<input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">MAILING ADDRESS</td> <td style="width: 20%; padding: 5px;">CITY</td> <td style="width: 10%; padding: 5px;">STATE</td> <td style="width: 20%; padding: 5px;">ZIP CODE</td> </tr> </table>	MAILING ADDRESS	CITY	STATE	ZIP CODE
MAILING ADDRESS	CITY	STATE	ZIP CODE		