

North American Background Screening Consortium
Frequently Asked Questions

1. What is NABSC and why is it being implemented?

The North American Background Screening Consortium (NABSC) is a standardized criminal background screening program initiated and developed by HBR, GBRIA, and GNOBR participating industrial facility Owners. The target population for the program includes Contractor Employees providing maintenance, construction and operational support services at petrochemical facilities such as chemical plants and refineries, energy production and utility facilities, and other industrial manufacturers. The Owners recognize the benefits of Contractor Employee background screening in identifying individuals who may pose a risk to Owner financial assets and personnel and may cause serious safety incidents, workplace violence, domestic terrorist acts, and theft of materials, equipment or technology. Prior to implementation of this program, each Owner required Contractor Employers to conduct background screens on their employees utilizing a variety of criteria. By moving to a standardized program with common criteria requirements, this program will improve consistency of application and reduce administrative effort by Contractor Employers to meet multiple Owner requirements.

2. My facility already has background screening requirements and our contractors are currently in compliance. Will we need to have new ones run to be in the program?

In order to become “active” in the NABSC program, a Contractor Employee will have to have a background screen performed by an approved Third Party Administrator (TPA) utilizing the program criteria and have been assigned a “grade” by that TPA. Until a valid screen under the Program is completed, the Contractor Employee will not be listed as “active” in the NABSC program. Owner companies have the right to allow or deny access to their sites at any time and for any reason. They also have the ability to accept other forms of validation that employees meet their respective access requirements. They may elect to grant a variance to contractor employees with current background screens and certain tenure at that Owner’s site (eg. “grandfather”). However, those decisions will be made by the respective Owners and will not impact the Contractor Employees status of “inactive” until a valid screen is performed under the NABSC Program requirements. The NABSC program requires a new background screen be conducted every two years so Owners may elect to phase this program in over a two-year period by grandfathering current site employees until two years have elapsed from their last screen and then execute a screen within NABSC. All new contract employees on the site would be screened in compliance with the NABSC program requirements.

3. How often does a new background screen have to be performed?

Under the program requirements, a new background screen will be required every two years in order to maintain an “active” status within NABSC. An owner may elect to waive this or grandfather contractor employees with long term, unbroken tenure at an owner’s site. However, beyond two years, these employees will be listed as “inactive” in the NABSC program.

4. Can you describe the NABSC process?

When a new Contractor Employee is to be hired for placement at an NABSC participating owner’s site, the Contractor Employer will have the prospective employee sign a release to initiate a Background Screen. The Contractor Employer will request the screen via their preferred approved TPA. The TPA will perform the background screen utilizing the NABSC Program criteria. If the background screen results in a clean record, a grade of 00 will be assigned to the Contractor Employee and the Contractor Employer will be notified. An initial background screen grade between “01” and “07” (any grade other than “00”) will be assigned and shall initially be identified as a “provisional” grade. When a provisional background screen grade is identified, the Consortium TPA shall issue a Pre-Adverse Action Letter to the Contractor Employee and

Contractor Employer who ordered the background screen, along with a copy of the background screen report and grade, and a copy of the Consumer Notification Rights, informing the individual of their right to dispute the background screen report and notifying the individual that the provisional background screen grade may restrict their eligibility for access to some participating Owner facilities.

If the Contractor Employee does not dispute the results of the background screen search within five (5) business days after receipt of the results, the Consortium TPA shall remove the provisional status from the background screen grade. This grade shall be considered the final background screen grade.

Owners may deny access to their property by any Contractor Employee whose background screen grade does not meet the Owner's background screen security requirements (**Inactive** status) and to Contractor Employees who refuse to comply with the requirements of the Program. A Contractor Employee with a background screen grade that meets a participating Owner's background screen security requirements (**Active** status) is eligible for access to a participating Owner's property. However, any Owner reserves the right to allow or deny access without regard to background screening eligibility.

5. What do the program grades mean and who will know it?

The program grade is a score that ranges from 00 to 07 and each number corresponds to a category of offenses as specified within the program. An individual's grade will only be known by the employee, his employer, and the TPA performing the background screen.

Background Screen Grade Definitions

00	Clear Record, nothing found.
01	One or more " non-violent misdemeanors " were found. This includes any misdemeanor not shown on the list of violent misdemeanors.
02	One or more " violent misdemeanors " were found.
03	One or more " lesser felonies " were found. This includes any felony not shown on the list of higher felonies (05).
04	One or more " violent misdemeanors " and one or more " lesser felonies " were found.
05	One or more " higher felonies " were found.
06	One or more " higher felonies " and one or more " violent misdemeanors " were found.
07	The person was found to be on the current Patriot Act List (specially designated nationals, terrorists, narcotics traffickers, blocked persons, etc.).

6. This sounds like a more lengthy process than we currently follow? How long will the NABSC background screen process take?

The NABSC program will not increase the time required to secure a high quality background screen. During piloting of the program utilizing the five approved TPA's, the average time required to perform the background screens ranged from 2.5 to 3.5 days. Feedback from participating Contractor Employers was very positive with respect to TPA responsiveness and turnaround time as compared to their current processes.

7. If an employee with an active background screen in the program leaves his employer and goes to a new employer, is a new background screen required?

If the employee is moving to a new employer who wishes to assign the employee to an NABSC participating Owner's site, the new employer will solicit a Background Screen Consent form from the employee and forward to their TPA. The contractor employer will be able to utilize the

contractor version of the Gate Check application to determine if the employee has a current background screen, which TPA performed the screen and the expiration date. The Contractor Employer's TPA will submit a query to the TPA who originally performed the background screen to determine whether the employee's status within NABSC guidelines (eg. Owner's site access cut score) for assignment to the prospective owner's site is active or inactive. If the status is active, the contractor employer may assign the employee to the owner's site. If the status is inactive, the contractor employers may not assign the employee to the owner's site. Because Owners may have different security requirements an employee could be active at one Owner's site but inactive at another Owner's site. For example, Owner A allows access for persons with grades 00 through 04 and Owner B only allows grades 00 through 02.

8. My facility will be covered under the TWIC (Transportation Worker Identification Credential) program. Why should I subscribe to the NABSC program as well?

The TWIC program is a Federal mandated program being administered by the Coast Guard for Homeland Security. Under this program, security assessments (background screens) are being performed by the FBI or other government agency and apply to Owner Employees as well as any Contractor Employees who need access to the Owner's covered facility. The screening criteria being utilized for the TWIC program is primarily focused on certain Felony convictions and terrorist related offenses since this program is focused on protection of critical infrastructure assets from terrorist activity or attack. Owners and Contractor Employers have no input or control in the TWIC program operation and will receive no information regarding information reviewed or discovered during their background screening process. The process is pass/fail.

The NABSC program, however, provides both the Contractor Employee and Contractor Employer with information on the employee's screening results, and provides a mechanism for Owners to screen Contractor Employees against their individual site access requirements. The NABSC program is designed by Owner companies to identify individuals who may pose a risk to Owner financial assets and the people having access to Owner facilities through behavior that may cause serious safety incidents, workplace violence, domestic terrorist acts, and theft of materials, equipment or technology. The screening criteria reviews all felonies and also a variety of classes of misdemeanors that potentially represent an unacceptable risk to Owners.