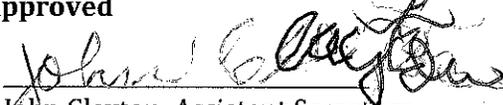


**POLICY 1.23 DECIDING TO HIRE OR PROMOTE STAFF OR CONTRACTORS**

**Policy Committee Chair**

Don Mead, Ed. D.  
Superintendent, Echo Glen  
Juvenile Justice & Rehabilitation Administration

**Approved**

  
John Clayton, Assistant Secretary  
Juvenile Justice & Rehabilitation Administration  
2/11/2015

**Authorizing Sources**

PL108-79, Prison Rape Elimination Act (PREA)  
28 CFR Part 115 PREA, Juvenile Facility Standards, effective August 20, 2012  
DSHS Administrative Policy 18.62  
DSHS Administrative Policy 18.63  
WAC 388-700

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**Effective Date**

2/27/2015

**Sunset Review Date**

2/27/2019

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**I. PURPOSE AND SCOPE**

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This policy establishes special requirements for hiring and promotion decisions as mandated by the PREA Juvenile Standards.

All staff, contractors, volunteers, and interns working in the Division of Institution Programs, Division of Community Programs and Parole, and the Division of Operations and Support Services are responsible for reviewing and complying with JR policies.

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**II. POLICY**

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**1. Juvenile Rehabilitation will not hire or promote employees or enlist the services of any contractor who may have contact with residents if the employee or contractor:**

- 1.1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); (PREA Standard 115.317(a)(1))
- 1.2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; (PREA Standard 115.317(a)(2))
- 1.3. Has been civilly or administratively adjudicated to have engaged in the activity described in sections 1.1 and 1.2. (PREA Standard 115.317(a)(3))

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2. **Juvenile Rehabilitation must consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor if the employee or contractor may have contact with youth. (PREA Standard 115.317(b)).**

**BACKGROUND CHECKS**

3. **Before hiring new employees who may have contact with youth, Juvenile Rehabilitation must conduct a background check as a component of all initial hiring and promotion decisions and contractor awards. (PREA Standard 115.317(c)).**
  - 3.1. JR must conduct a criminal background records check in partnership with the DSHS Background Check Central Unit (BCCU). (PREA Standard 115.317(c)(1))
    - 3.1.1. JR must consult the child abuse registry maintained by the State of Washington in partnership with the BCCU. A review of DSHS negative actions, which includes findings of child abuse, is conducted as part of the BCCU background check process. (PREA Standard 115.317(c)(2))
4. **Employees in department-covered positions will be required to complete a mandatory background re-check through the DSHS BCCU every five years.**
5. **Contractors will be required to complete a mandatory background re-check through the DSHS BCCU no less than every five years. The background check must include a consultation with the child abuse registry in accordance with 3.1.1.**
  - 5.1. School personnel not employed by DSHS will be required to submit proof of a completed background check, completed within five years and conducted with the same standards as the DSHS BCCU uses.
6. **Volunteers will complete a one-time background check through the DSHS BCCU at the time of their volunteer application.**

**SEXUAL MISCONDUCT DISCLOSURE**

7. **Prospective employees, current employees, contractors and volunteers will be required to complete the PREA Sexual Misconduct Disclosure form (DSHS Form 20-296) prior to any hiring or promotion decision (PREA Standard 115.317(f)).**
  - 7.1. The completed form will be made available to auditors during scheduled PREA audits.
  - 7.2. All PREA Sexual Misconduct Disclosure forms will be retained for a period no less than three years.
8. **Employees, contractors and volunteers must immediately disclose any incidents of sexual misconduct to the Superintendent, Regional Administrator or designee, if incidents occur in the period between background checks. (PREA Standard 115.317(f))**
9. **Material omissions regarding such misconduct or the provision of materially false information must be grounds for termination. (PREA Standard 115.317(g))**

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**INSTITUTION REFERENCE CHECKS**

**10. Additional reference checks are required prior to hiring new employees, contractors or volunteers who may have contact with youth. (PREA Standard 115.317)**

10.1. Candidates will be asked to list on the PREA Institutional/Employment/Service Disclosure form (DSHS Form 20-297) all prison, jail, lockup, community confinement facility, juvenile facility, or other institution(s) in which they have been employed or where they have provided services on a contract or volunteer basis.

10.2. Hiring managers and volunteer coordinators must contact each prior institutional employer regarding each candidate. (PREA Standard 115.317(c)(3)) Previous employers will be asked for:

10.2.1. Any information on substantiated allegations of sexual abuse or sexual harassment;

10.2.2. Any resignation during a pending investigation of an allegation of sexual abuse or sexual harassment.

10.3. All PREA Institutional/Employment/Service Disclosure forms will be retained for a period no less than three years.

**11. Unless prohibited by law, all hiring managers at JR institutions and community facilities must provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee, contractor or volunteer upon receiving a request from an institutional employer for whom the individual has applied to work. (PREA Standard 115.317(h))**

11.1. Hiring managers will consult with their local Human Resource Consultants prior to responding to the request.

**12. JR must make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.**

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**III. RELATED JR POLICIES**

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Policy 5.90 (49) – Applying PREA Juvenile Standards in JR

**IV. FORMS AND DOCUMENTS**

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<b>Document Title</b>	<b>Available In ACT</b>	<b>Link to Paper form</b>
PREA Institutional/Employment/Service Disclosure		DSHS Form 20-297
PREA Sexual Misconduct Disclosure		DSHS Form 20-296

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