

Title: A 115.317 Agency Employment, Contracting and Volunteering Practices

Agency NRS	Next Review: 01/19/2024
Policies PREA Rules/Regulations/Standards	Last Review: 01/19/2023

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Purpose: To ensure the sexual safety of facility(ies) inmates and staff through a comprehensive agency wide approach to prevention, detection and response to sexual abuse and sexual harassment in all facilities operated or contracted by the Ninth Judicial District Court (aka Agency).

Policy: The Agency shall ensure hiring, promotion and contracting decisions are in accordance with PREA Standards including sexual abuse and sexual harassment. These decisions include employees, volunteers, contractors, and interns.

Procedure:

I. GENERAL

- A. Each Agency Facility shall create a Standard Operating Procedure consistent with this policy.
- B. The Agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor who has contact with the youth.

II. BACKGROUNDS

- A. All Backgrounds will be conducted by the Agency.
- B. All Background Files will be maintained by the Agency after December 1, 2023.
- C. Background inquiries from other facilities will be referred to the PREA Coordinator, PREA Compliance Manager and/or PREA Background Investigator where staff, volunteer or contract was active.
- D. Backgrounds will include an inquiry to any previous facility (juvenile or adult) employer to inquire about allegations of sexual abuse and harassment to include:
 - a. Attached External Facility Form;
 - b. Substantiated Allegations;
 - c. Unsubstantiated Allegations;
 - d. Resignation in Lieu of termination during an investigation; and
 - e. Resignation during an investigation.
 - f. Correspondence will be kept in Agency Background File(s).

III. REQUIREMENTS

- A. All new hires, contracts, volunteers, and employees being considered for promotion shall have a background investigation to include:
 - 1. A criminal history background record check;
 - a. At hire;
 - b. Every five (5) Years; and
 - c. Any change in status (promotion, demotion, hours change).
 - 2. A review of any child abuse neglect registry maintained at the state or local level; and
 - 3. Make an effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or harassment or any resignation during a pending investigation of an allegation of sexual abuse or harassment.

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- B. Prior to an offer of contract, employment or promotion, the facility shall determine if any candidate, contractor, volunteer, or intern has any:
 - 1. Allegations of sexual abuse
 - 2. Allegations of sexual harassment, or
 - 3. Any violations of sexual misconduct
- C. In addition to those within NRS 62B, the Agency prohibits the contracting, hiring or promoting of anyone who may have contact with youth, or prohibit enlisting the services of any contractor or volunteer who may have contact with youth, who:
 - 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);
 - 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; or
 - 3. Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph B of this section.
- D. The Agency shall conduct criminal background checks of current employees, contractors, and volunteers who work within a facility settings every five years.
- E. The Agency shall ensure candidates and staff sign the PREA Signature Form which asks about previous sexual misconduct, upon the interview process for hire and promotion and annually thereafter, which shall be maintained in their permanent employee file.
- F. In addition, the Agency shall ensure contractors and volunteers sign the PREA Signature Form before contact with youth and annually thereafter.
- G. Any candidate/employee who has been found to provide false information shall be subject to administrative action including failure from background/termination.
- H. Unless prohibited by law, the Agency shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

IV. EXTERNAL FACILITY INQUIRIES

- A. Background inquiries will be accompanied by:
 - 1. A release of liability waiver.
 - a. Waiver is to be kept on file in the employer personnel/background file.
 - 2. External Employer Inquiry Form
 - a. Inquiry details (date, person of inquiry, requesting facility, respondent, etc.)
 - b. Information disclosed and
 - c. Placed in the personnel/background file.
- B. Information to be released shall include but not be limited to except where prohibited by law:
 - 1. Allegations of Sexual Abuse and Harassment regardless of determination or status of investigation.

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2. Substantiated Incidents
3. Any other information related to the employment or services provided which should be considered including:
 - aa. False information on applications
 - bb. Termination or Resignation (including resignations under duress)
 - cc. Any details relative to youth safety and security concerns
 - dd. Background finding of eligible or ineligible for hire
 - ee. County status of eligible or ineligible for hire
- C. File Requirements
 1. Waiver of Liability
 2. External Facility Checklist
 3. Memorandum from the respondent with details of the information released.

V. REPORTING REQUIREMENTS

- A. All criminal and administrative investigations involving staff shall be consulted with:
 1. Douglas County Human Resources (DCHR) and
 2. Assistant District Attorney (ADA) for further action or investigation.
- B. DCHR/ADA may be involved in internal investigations of allegations involving staff.
- C. Administrative Investigations will be conducted by the Facility Administration in coordination with PREA Coordinator.
- D. The Facility's PREA Coordinator shall keep a record of and report to PREA Coordinator:
 1. All allegations of sexual abuse and sexual harassment all the way through the final disposition,
 2. Including those referred to local law enforcement and to DCHR/Facility Administration.
- E. The PREA Coordinator will be informed of the aggregate number of PREA investigations and their status monthly as reported on the Facility Checklist during monthly meeting with PREA Coordinator and PREA Compliance Managers, Director/Chief.
- F. The DCHR shall keep a record of all allegations of sexual harassment and sexual abuse involving staff all the way through the final disposition.
- G. Upon learning a youth was sexually abused/harassed while confined at another facility:
 1. Director/Chief shall notify, within seventy-two (72) hours, the head of the other facility.
 2. Document the notification.
 3. Likewise, all notifications received by another facility a youth was sexually abused while confined in another facility will be investigated in accordance to this policy.

Related Documents

[A 115.317 a Agency Institutional Employer Template](#)

[A 115.317 b External Reporting Form](#)