

|

**Carson City  
Agenda Report**

**Date Submitted: August 27, 2015**

**Agenda Date Requested: September 17<sup>th</sup>, 2015**

**Time Requested: 15min**

**To: Board of Supervisors**

**From: Ben Bianchi**

**Subject Title: Action to approve eliminating the hourly part-time Youth Advisors positions at the Carson City Juvenile Detention Center and creating a full-time Youth Advisor position in place of the part-time positions. Additionally, to approve utilizing the existing part-time position funding source to fund the full-time Youth Advisor position. Ben Bianchi (BBianchi@carson.org)**

**Staff Summary: This action will create a full-time employee position. This employee can be hired and trained with the current full-time staff at the Detention Center. By hiring this full-time Youth Advisor it will reduce the time and costs associated with recruiting, conducting background checks, and training the transient on-call staff who may work for the Center for one week, or one year.**

**Type of Action Requested:** (check one)  
 Resolution                       Ordinance  
 Formal Action/Motion         Other (Specify)

**Does This Action Require A Business Impact Statement:**         Yes  No

**Recommended Board Action: I move to approve eliminating the part-time hourly positions in the Carson City Juvenile Detention Center and hiring a full-time Youth Advisor to replacement the hourly part-time staff.**

**Explanation for Recommended Board Action: By eliminating the part-time staff at the Juvenile Detention Center, the City will be reducing the man hours spent conducting recruitments, background checks, and training of part-time employees as required by law.**

**Recent legislation along with the Prison Rape Elimination Act (PREA) requires applicants and employees to have extensive background checks conducted on them. Once hired, the employee is required to have extensive training prior to having contact with children and must be trained specifically in the areas of sexual abuse, sexual harassment, suicide prevention, controlling the behavior of children, control and restraints of children, medication administration, rights of children, first aid, CPR, O.C. spray and the use of force and restraint of children.**

**Applicable Statute, Code, Policy, Rule or Regulation:**

**Nevada Revised Statute 62G.353 Background investigation required on applicants and**

employees; periodic additional investigation.

Nevada Revised Statutes 62B.250 Training required for certain employees; regulations

Prison Rape Elimination Act standard 115.317 Hiring requirements

Prison Rape Elimination Act standard 115.331 Staff training

Fiscal Impact: First year fiscal impact of \$104.46

Explanation of Impact: By eliminating the hourly yearly budget of \$61,430.00 and transferring the hourly budget into the salary budget to pay for the full-time Youth Advisor at \$19.10 an hour for a total of \$61,534.46 (with benefits) for the first year with a difference of \$104.46. The top out range for this position is \$28.66 an hour and \$87.258.91 yearly with benefits.

Funding Source: General fund money already budgeted for Juvenile Detention.

Alternatives: By not eliminating the hourly part-time employees at the Juvenile Detention Center the City will continue to incur the costs in man hours associated with recruiting, background checks, and training part-time employees who have no ownership and have nothing to lose by leaving part-time employment after one week, one month, or even one year.

Supporting Material: copies of NRS 62G.353, NRS 62B.250 PREA standards 115.317 and 115.331 Financial breakdown of low range and top range.

Prepared By:

Reviewed By: Ben Bianchi  
 (Department Head)  
Mark Muland  
 (City Manager)  
[Signature]  
 (District Attorney)  
Wang Paubon  
 (Finance Director)

Date: 9/2/15  
 Date: 9/8/15  
 Date: 9/8/15  
 Date: 9/8/15

Board Action Taken:

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
 \_\_\_\_\_ 2) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

PAY GRADE	
LOW	HIGH

YOUTH ADVISOR  
ADMINISTRATIVE ORDER

19.1077 28.6613 T22

**CALCED AT EMPLOYER PAID PERS RATE**

Percent Project Account  
100.000 101-4506-423. 01-01

Total wages

GROUP INS-CC SELF

MEDICARE

PERS EMPLOYER PAID (28%)

WORKERS COMP - MUNICIPAL

Total benefits

Total expense

LOW RATE	HIGH RATE
----------	-----------

39,744.02 59,615.50

9,527.65 9,527.65

576.29 864.42

11,128.32 16,692.34

558.99 558.99

21,791.25 27,643.41

61,535.27 87,258.91

**NRS 62G.353 Background investigation required on applicants and employees; periodic additional investigations.**

1. A department of juvenile justice services shall secure from appropriate law enforcement agencies information on the background and personal history of each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, to determine:

- (a) Whether the applicant or employee has been convicted of:
  - (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
  - (2) Any felony involving the use or threatened use of force or violence or the use of a firearm or other deadly weapon;
  - (3) Assault with intent to kill or to commit sexual assault or mayhem;
  - (4) Battery which results in substantial bodily harm to the victim;
  - (5) Battery that constitutes domestic violence that is punishable as a felony;
  - (6) Battery that constitutes domestic violence, other than a battery described in subparagraph (5), within the immediately preceding 3 years;
  - (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or an offense involving pornography and a minor;
  - (8) A crime involving pandering or prostitution, including, without limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;
  - (9) Abuse or neglect of a child, including, without limitation, a violation of any provision of NRS 200.508 or 200.5083 or contributory delinquency;
  - (10) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;
  - (11) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance that is punishable as a felony;

(12) A violation of any federal or state law prohibiting driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance, other than a violation described in subparagraph (11), within the immediately preceding 3 years;

(13) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(14) Any offense involving arson, fraud, theft, embezzlement, burglary, robbery, fraudulent conversion, misappropriation of property or perjury within the immediately preceding 7 years; or

(b) Whether there are criminal charges pending against the applicant or employee for a violation of an offense listed in paragraph (a).

2. A department of juvenile justice services shall request information from:

(a) The Statewide Central Registry concerning an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services, to determine whether there has been a substantiated report of child abuse or neglect made against the applicant or employee; and

(b) The central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years to ensure satisfactory clearance with that registry.

3. Each applicant for employment with the department of juvenile justice services, and each employee of the department of juvenile justice services, must submit to the department of juvenile justice services:

(a) A complete set of his or her fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(b) Written authorization for the department of juvenile justice services to obtain any information that may be available from the Statewide Central Registry or the central registry of information concerning the abuse or neglect of a child established by any other state in which the applicant or employee resided within the immediately preceding 5 years.

4. The department of juvenile justice services may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted pursuant to this section.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the department of juvenile justice services for a determination of whether the applicant or employee has criminal charges pending against him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

6. A department of juvenile justice services shall conduct an investigation of each employee of the department pursuant to this section at least once every 5 years after the initial investigation.

7. As used in this section, "Statewide Central Registry" means the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100.

(Added to NRS by 2013, 458)

**NRS 62B.250 Training required for certain employees; regulations.**

1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;
- (b) Policies and procedures concerning the use of force and restraint on children;
- (c) The rights of children in the institution or agency;
- (d) Suicide awareness and prevention;
- (e) The administration of medication to children;
- (f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; and
- (h) Such other matters as required by the Division of Child and Family Services.

2. The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.

(Added to NRS by 2007, 1193)

## **Chapter 1.4.1 Prison Rape Elimination Act (PREA)**

### **Subject: Hiring Requirements- PREA Standard 115.317**

#### **Policy**

The Murphy-Bernardini Regional Juvenile Detention Center requires every candidate for employment, including contractors, within the detention facility to undergo and pass a complete background check, to include state and federal entities as well as the Nevada Child Abuse and Neglect (CAN) system check prior to hiring. Every employee is required to undergo an additional background check every five years.

Every volunteer will have a basic (State of Nevada) background check conducted, prior to volunteering in the facility and is to NEVER be inside detention without the CANS and initial background check completed.

#### **Procedure**

Disqualification for employment includes:

- Engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility or other institution defined in 42 U.S.C. 1997.
- 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.
- Been civilly or administratively adjudicated or have engaged in the activity described above.
- Any substantiated allegations of sexual abuse or a history of sexual activity facilitated by force, the threat of force or coercion.
- Convicted for domestic violence.
- Convicted for child abuse.
- Convicted for stalking.
- Convicted for any sexual offense.
- Convicted of any felony.

All applicants for employment that will have contact with detainees will be asked during the interview process about the conduct described above. In addition, any employee having contact with detainees who is considered for promotion will be interviewed about the conduct described above; and all employees having contact with detainees will be asked about such conduct during their annual evaluation process.

Disqualification for contractors includes:

- Engaged in sexual abuse in a prison, jail, lock up, community confinement facility, juvenile facility or other institution defined in 42 U.S.C. 1997.
- 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.
- Been civilly or administratively adjudicated or have engaged the activity described above.
- Any substantiated allegations of sexual abuse or a history of sexual activity facilitated by force, the threat of force or coercion.
- Convicted for domestic violence.
- Convicted for child abuse.
- Convicted for stalking.
- Convicted for any sexual offense.
- Convicted of any felony.

All applicants for employment who will have contact with detainees will be asked during the background process about the conduct described above. Employees who withhold information regarding such misconduct on application materials will be terminated. In addition, employees that have contact with detainees are required to sign a form stating that they have not been involved in such conduct and will disclose any allegations of such conduct if they occur in the future.

In addition, any employee having contact with detainees who is considered for promotion will be interviewed about the conduct described above; and all employees having contact with detainees will be asked about such conduct during their annual evaluation process.

Substantiated sexual harassment will be considered regarding employment or promotion for anyone who may have contact with detainees.

115.377- Any contractor or volunteer who engages in sexual abuse is prohibited from contact with youth and will be reported to the appropriate law enforcement agency and relevant licensing bodies.

#### Other Considerations:

115.317- Does the agency make its best effort to contact all prior institutional employers for information in substantiated allegations of sexual abuse or any resignation made during a pending investigation of an allegation of sexual abuse (consistent with Federal, State and local laws) before hiring a new employee who may have contact with youth?

115.317- Does the agency provide information on substantiated allegations of sexual abuse and sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work, unless prohibited by law?



115-377- Are staff disciplinary sanctions for violations or agency policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) commensurate with the following?

- The nature and circumstances of the act committed
- The staff member's disciplinary history
- The sanctions imposed for comparable offenses by other staff with similar histories

In the case of any other violation of agency sexual abuse or sexual harassment policy by a contractor or volunteer, does the agency take appropriate remedial measures and considerations where to prohibit further contact with residents?

### **Prison Rape Elimination Act (PREA)**

#### **Section 1.9.1 Training and Education**

##### **Subject: Employee Training 115.331**

###### **Policy**

In order to promote Murphy-Bernardini Regional Juvenile Detention Center's Zero Tolerance policy against sexual abuse, continuous training is imperative. Every employee of the Murphy-Bernardini Regional Juvenile Detention Center will receive PREA training initially and annually thereafter. When additional staff is hired they will immediately receive the comprehensive PREA Training. Every contractor and volunteer will also receive PREA training. All staff, contractors, and volunteers will be required to complete the PREA training before they are permitted to work in the detention facility.

###### **Procedure**

###### **Staff Training 115.331**

The Detention PREA Manager is responsible to train every employee initially and annually on PREA. Initial and annual training will consist of a presentation created by the National Curriculum and Training Institute and an online PREA Course. Staff will also be trained on how to appropriately interact with detained juveniles and how to identify the red flags related to inappropriate conduct.

Attendance records will be kept on file of every staff member who attends the PREA presentation. Additionally, all staff will sign the training form that verifies their understanding of the training.

The online PREA Course requires all participants to take a comprehensive exam at the end of the online training and has a minimum passing score of 80%. Upon successfully passing the exam, the National Institute of Corrections provides every participant with a signed certificate of completion. Each participant will be required to print out the PREA Course Information Sheet that shows the date and

time he/she started the program, completed the program, and the score he/she received on the test. Both the Certificate of Completion and the PREA Course Information Sheet will be kept on file.

All employees will receive additional training in the following areas prior to having contact with any youth:

- Zero tolerance policy for sexual abuse and sexual harassment
- How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures
- Youth's right to be free from sexual abuse and sexual harassments
- The right of the youth and employees to be free from retaliation for reporting sexual abuse and sexual harassment
- The dynamics of sexual abuse and sexual harassment in confinement
- The common reactions of sexual abuse and sexual harassment by juvenile victims
- How to detect and respond to signs of threatened and actual sexual abuse and how to distinguish between consensual sexual contact and sexual abuse between youth
- How to avoid inappropriate relationship with youth
- How to communicate effectively and professional with youth, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming youth
- Relevant laws regarding applicable age of consent
- Gender specific training
- Unique needs and attributes of juvenile youth in correctional settings