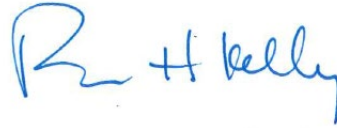


**POLICY 1.23 DECIDING TO HIRE OR PROMOTE STAFF OR CONTRACTORS**

**Policy Committee Chair**

Lori Kesl  
Regional Administrator, Regions 1 & 2  
Juvenile Rehabilitation

**Approved**



Rebecca Kelly, Acting Assistant Secretary  
Juvenile Rehabilitation  
7/20/2018

**Authorizing Sources**

**PL108-79, Prison Rape Elimination Act (PREA)**  
**28 CFR Part 115 PREA Juvenile Facility Standards**  
**RCW 13.40.570**  
**RCW 43.43.837**  
**WAC 110-700**  
**DCYF AP 11.21 Ethics & Employee Conduct**  
**DCYF AP 11.02 Background Checks**

**Information Contact**

Andrea Ruiz  
Policy, Planning & Lean Administrator  
Juvenile Rehabilitation

**Effective Date** (*Technical Edit 4/20/2022<sup>1</sup>*)  
**7/23/2018**

**Sunset Review Date**  
**7/23/2022**

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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, and counseling certification requirements as mandated by RCW.

All staff, contractors, volunteers, and interns working in or for Juvenile Rehabilitation (JR) 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)).

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<sup>1</sup> 11/18/19 Technical Edit: Changed DSHS references and forms to DCYF.

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- 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))
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)).**
3. **On-call staff will be considered equivalent to permanent staff for the purposes of this policy.**

**BACKGROUND CHECKS<sup>2</sup>**

4. **Juvenile Rehabilitation must conduct a national fingerprint criminal background check as a component of all initial hiring and contractor awards where the position may have contact with youth per RCW 43.43.837 and PREA Standard 115.317(c). (See JR Fingerprint Background page for process and FAQs).**
  - 4.1. JR must conduct the criminal background check in partnership with the designated Background Check Central Unit (BCCU). (PREA Standard 115.317(c)(1))
  - 4.2. A review of agency negative actions, which includes findings of child abuse, is conducted as part of the BCCU background check process. (PREA Standard 115.317(c)(2))
5. **Background check forms and results are confidential and must be maintained in a secured location. Information from background checks may only be shared on a need-to-know basis.**
6. **Decisions to disqualify any prospective employee, volunteer or contractor from unsupervised access to JR youth must be made in accordance with collective bargaining agreements, DCYF AP 11.02, and agency Disqualifying List.**
7. **Employees in department-covered positions will be required to complete a mandatory national fingerprint criminal background re-check through the agency designated BCCU every five years.**
8. **Employees in department-covered positions will be required to complete a mandatory criminal background check through the agency designated BCCU for all promotions and transfers within the agency.**
9. **Contractors will be required to complete a mandatory national fingerprint criminal background re-check through the agency designated BCCU no less than every five years (PREA Standard 115.317(e)). The background check must include a consultation with the child abuse and neglect records maintained by the agency in accordance with statement 4.2.**

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<sup>2</sup> 4/20/2022 Technical Edit: Added PREA citation for 5-year re-check and link to JR fingerprint resource page.

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9.1. School personnel not employed by DCYF will be required to submit proof of a completed background check, completed within five years and conducted with the same standards as the agency designated BCCU uses.

**10. Volunteers will complete a one-time background check through the agency designated BCCU at the time of their volunteer application.**

**INSTITUTION REFERENCE CHECKS**

**11. Additional reference checks are required prior to hiring new employees who may have contact with youth. (PREA Standard 115.317)**

11.1. Candidates will be asked to list on the PREA Institutional/Employment/Service Disclosure form (DCYF Form 20-297) all prisons, jails, lockups, community confinement facilities, juvenile facilities, or other institutions in which they have been employed or where they have provided services on a contract or volunteer basis.

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

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

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

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

**12. 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))**

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

**13. 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.**

**Policy 1.23, Deciding to Hire or Promote Staff or Contractors 7/23/2018****AGENCY AFFILIATED COUNSELOR CERTIFICATION<sup>3</sup>**

- 14. A person may not, as a part of his or her position as an employee of a state agency, practice counseling without being registered by the Department of Health (DOH) to practice as an agency affiliated counselor. (RCW 18.19.030)**
- 15. The following job classes in JR will be required to register with DOH and maintain the Agency Affiliated Counseling (AAC) credential:**
- 15.1. JR Community and Residential Counselors
  - 15.2. JR Community and Residential Counselor Assistants
  - 15.3. JR Coordinators, including FFT (as determined by local sites and PDF)
  - 15.4. JR Supervisors
  - 15.5. JR Program Managers
  - 15.6. Psychologists, unless otherwise licensed or certified
  - 15.7. Psychology Associates
  - 15.8. Chemical Dependency Professionals (see #19 for exception)
  - 15.9. DBT Program Specialists
- 16. Registration and maintenance of the credential is a condition of employment with JR, for the above positions. The requirement for the credential must be included as part of the PDF for the above positions and included in appointment letters for newly hired staff.**
- 16.1. Failure to obtain and maintain the credential as specified in the position description will result in disciplinary action, up to and including dismissal.
  - 16.2. Staff may request reimbursement of the DOH Agency Affiliated Counseling initial registration or renewal fee by submitting an A19-1A Invoice Voucher Form to their Appointing Authority (see attached for sample on how to fill out).
- 17. Staff in the above job classes must register with DOH as an Agency Affiliated Counselor within seven days of employment. (RCW 18.19.210(1)(a)).**
- 17.1. Counselors may provide counseling as an AAC for a maximum of 60 days while the application is processed. (RCW 18.19.210(1)(a)).
  - 17.2. Counselors may not provide unsupervised counseling prior to completion of a mandatory national fingerprint criminal background check through the DSHS BCCU performed as a part of the hiring process. (RCW 18.19.210(1)(b))
  - 17.3. The counselor must stop providing counseling on the 60<sup>th</sup> day of employment if the registration has not been granted for any reason. (RCW 18.19.210(1)(a)).

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<sup>3</sup> 4/20/2022 Technical Edit: Added job classes (15.7-15.9), and added 16.2 on reimbursement per 1/3/2022 memo sent to staff.

**Policy 1.23, Deciding to Hire or Promote Staff or Contractors 7/23/2018****18. Counselors must maintain their credential and renew it as necessary under the law (WAC 246-12).**

18.1. The counselor must stop providing counseling if the registration has not been renewed or is revoked for any reason. (RCW 18.19.210(1)(a)).

**19. Staff who maintain an active Chemical Dependency Professional (CDP) or Chemical Dependency Professional Trainee (CDPT) credential are not required to hold the AAC certification in addition to the CDP/CDPT, as long as they are actively providing chemical dependency counseling full time.**

19.1. Staff who have a CDP/CDPT and do not provide chemical dependency counseling full time must have an active AAC certification.

**20. All units in JR must review the certification status of staff on at least a quarterly basis to ensure credentials are current. Central Office staff may conduct an audit at any time.**

20.1. If credentials are not current, management will send the AAC Notification Letter (attached) to staff.

20.2. At the discretion of the appointing authority, staff will be allowed up to 30 days to bring the credential current. Staff may take leave or be reassigned to a non-counseling position while the credential is expired.

**21. If staff continue to be out of compliance with the certification requirements, appointing authorities will take appropriate corrective action.****22. Agency affiliated counselors must notify the DOH if they are either no longer employed by the agency identified on their application or are now employed with another agency, or both.****SEXUAL MISCONDUCT DISCLOSURE****23. Prospective employees, current employees, contractors and volunteers will be required to complete the PREA Sexual Misconduct Disclosure form (DCYF Form 20-296) prior to any hiring or promotion decision (PREA Standard 115.317(f)).**

23.1. The completed form will be made available to auditors during scheduled PREA audits.

23.2. All PREA Sexual Misconduct Disclosure forms will be retained for a period no less than three years.

**24. 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))****25. 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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**III. DEFINITIONS**

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**Counseling:** employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. (RCW 18.19.020(6))

**Sexual Misconduct:** as defined by PREA, sexual misconduct includes sexual abuse in a prison, jail, lockup, community confinement facility or other institution, a conviction or civil/administrative adjudication of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or sexual activity if the victim did not consent or was unable to consent or refuse.

**IV. RELATED JR POLICIES**

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Policy 5.90 – Applying PREA Juvenile Standards in  
JR

**V. FORMS AND DOCUMENTS**

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<b>Document Title</b>	<b>Available In ACT</b>	<b>Link to Form</b>
PREA Sexual Misconduct Disclosure		DCYF Form 20-296
PREA Institutional/Employment/Service Disclosure		DCYF Form 20-297
Invoice Voucher		DCYF Form A19-1A

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FORM <b>A 19-1A</b> (Rev. 5/91)		STATE OF WASHINGTON <b>INVOICE VOUCHER</b>
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AGENCY USE ONLY		
AGENCY NO.	LOCATION CODE	P.R. OR AUTH. NO.

AGENCY NAME
THE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

*INSTRUCTIONS TO VENDOR OR CLAIMANT: Submit this form to claim payment for materials, merchandise or services. Show complete detail for each item.*

VENDOR OR CLAIMANT (Warrant is to be payable to)
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**Vendor's Certificate:** I hereby certify under penalty of perjury that the items and totals listed herein are proper charges for materials, merchandise or services furnished to the State of Washington, and that all goods furnished and/or services rendered have been provided without discrimination because of age, sex, marital status, race, creed, color, national origin, handicap, religion, or Vietnam era or disabled veterans status

John Smith  
17305 Main St  
Olympia, WA 98501

BY John Smith  
(SIGN IN INK)  
**Juvenile Rehabilitation Counselor**  
(TITLE) **01/01/2022**  
(DATE)

FEDERAL I.D. NO. OR SOCIAL SECURITY NO. (For reporting Personal Services Contract Payments to I.R.S.) Personnel ID Number: <b>00212591</b>	RECEIVED BY	DATE RECEIVED
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DATE	DESCRIPTION	QUANTITY	UNIT	AMOUNT	FOR AGENCY USE
	JR: Agency Affiliated Counselor Certification				
	Initial Registration	1			
	Annual Certification	1		<b>75.00</b>	

PREPARED BY	TELEPHONE NUMBER	DATE	AGENCY APPROVAL <b>Appointing Authority/Designee Signature</b>	DATE
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DOC. DATE	PMT DUE DATE	CURRENT DOC. NO.	REF DOC	VENDOR NUMBER	VENDOR MESSAGE	UBI NUMBER
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REF DOC SUF	TRANS CODE	M O D	FUND	MASTER INDEX		SUB OBJ	SUB SUB OBJECT	ORG INDEX	WORKCLAS ALLOC	COUNTY BUDGET	CITY/TOWN MOS	PROJEC T	SUB PROJ	PROJ PHAS	AMOUNT	INVOICE NUMBER
				APPN INDEX	PROGRAM INDEX											

ACCOUNTING APPROVAL FOR PAYMENT	DATE	WARRANT TOTAL	WARRANT NUMBER
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Date

FACILITY  
ADDRESS  
CITY, WA ZIP

CONFIDENTIAL  
PERSONAL SERVICE

Dear Ms./Mr. NAME:

This is official notification that effective \_\_\_\_\_, you will not be allowed to work, as an alternate to being reassigned. This action is the result of an investigation into allegations concerning your failure to renew your Agency Affiliated Counselor Credential. Your removal from work is not a disciplinary action or a presumption that misconduct has occurred. You are required as a condition of employment to maintain your credential on your own time and at your own expense. This action is in accordance with the Master Agreement between the State of Washington and the Washington State Federation of State Employees (WFSE).

If you renew your Agency Affiliated Counselor Credential during the time you are off work, you will need to contact us for further instructions. In the meantime, we will be investigating the allegations and preparing to conduct a pre-disciplinary meeting upon completion of the investigation.

I am authorizing you to use your accrued annual leave or compensatory time while off work. If you do not have sufficient balances of annual leave or compensatory time, you will be authorized Leave without Pay.

As a DCYF employee, you are still subject to all applicable DCYF policies, rules, regulations and Master Agreement, including, but not limited to, safety rules. Failure to comply with the work instructions contained in this letter may result in disciplinary action up to and including dismissal.

You will be provided an opportunity to respond to the allegations.

If you have any questions regarding your status or the above work instructions, you may contact NAME at PHONE NUMBER.

Respectfully,

NAME, Superintendent  
INSTITUTION

cc: Human Resources Administrator  
Human Resource Manager  
Associate Superintendent  
Juvenile Rehabilitation Program Manager 2