



FLORIDA DEPARTMENT OF JUVENILE JUSTICE POLICY

Secretary /s/, Christina K. Daly

Date: 01/30/2018

Subject: Background Screening and Hiring Practice

Section: FDJJ – 1800

Originating Office: Inspector General

Authority: Section 20.055, Florida Statutes
Chapter 110.1127, Florida Statutes
Chapter 435, Florida Statutes
Section 984.01, Florida Statutes
Section 985.644, Florida Statutes
Section 985.66, Florida Statutes

Related References: Requests for Department Records (FDJJ – 1910)
Utilization of Volunteers (FDJJ – 3.17)
Florida Administrative Code (FAC) 63G-2 Secure Detention Services
Information Resource Security Standards & Guidelines (FDJJ 1205.30)
User Password Policy (FDJJ 1225)
Florida Administrative Code, Rule 71A-1 Florida Information Resource
Security Policies and Standards

Purpose: This policy promotes the integrity of the Department of Juvenile Justice and ensures the proper care, safety, and protection of youth in the Department's care and custody by requiring background screening for employment and volunteer service prior to the person having access to youth or confidential youth records.

Offices Affected by the Policy: All offices within the Department of Juvenile Justice, volunteers, mentors, interns, and all Department-approved contract providers and grant recipients.

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

SUBJECT: Background Screening and Hiring Practice

SECTION: FDJJ - 1800

POLICY STATEMENT:

- Background screening and hiring practices shall be conducted to ensure all Department employees, contract provider and grant recipient employees (including owners, operators, and directors), volunteers, mentors, and interns with access to youth or confidential youth records meet established statutory requirements of Level 2 Screening Standards.
- The Department is cognizant of its status as a criminal justice agency and its special responsibilities in dealing with the youth population and has determined that it is appropriate to establish background screening and hiring requirements for all Department employees and volunteers as well as all contract provider owners, operators, employees, and volunteers.
- All contract provider and Department employees will be screened in accordance with Level 2 standards, as set forth in Chapter 435, Florida Statutes, as a condition of initial employment and retention in those positions. Additionally, all provider and Department employees will be re-screened every five (5) years of continued employment.
- Employment background screening shall be completed prior to hiring an employee or utilizing the services of a volunteer, mentor, or intern.
- An assessment shall be completed prior to the hiring of direct-care positions.
- Contract provider employment and volunteer background screenings will be processed and housed in the Care Provider Background Screening Clearinghouse. This database is owned and maintained by the Agency for Health Care Administration (AHCA).
- The BSU will review and provide the results from the FDLE's Automated Training Management System (ATMS) to the contract providers for screenings done on potential or permanent employees.
- The Department does not hire, promote, or contract with anyone who:
 - i.* 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);
 - ii.* 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;
 - iii.* Has been civilly or administratively adjudicated to have engaged in the activity described in *ii* above.
- The Department shall ask all applicants and employees who may have contact with youth about previous misconduct in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of review of current employees.
- The Department shall consider any substantiated incidents of sexual misconduct in determining whether to hire, promote, or contract with anyone.
- Employees being considered for promotion shall disclose any sexual misconduct and material omission regarding such misconduct, or the provision of materially false information shall be grounds for termination.

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

SUBJECT: Background Screening and Hiring Practice

SECTION: FDJJ - 1800

- Employees and volunteers will report any arrest, which includes any notice to appear in court for a criminal charge, to their immediate supervisor within 24 hours of the arrest or receipt of the notice to appear. If an employee or volunteer fails to report an arrest within 24 hours, they shall submit an explanation as to why the arrest was not timely reported. Failure to timely report an arrest may result in disciplinary action up to, and including, dismissal. Supervisors and/or Human Resources personnel will report the new arrest or notice to appear to the Background Screening Unit, who will determine if the offense disqualifies the employee or volunteer from continued service.
- Any person required to complete an assessment for direct-care positions, or undergo background screening as a condition of employment or volunteering services who refuses to cooperate in such screenings or refuses to submit the information necessary to complete the screening process shall not be employed or utilized as a volunteer until a background screening is completed and the outcome of the screening states the person is eligible for employment. Any person already employed or working as a volunteer who becomes disqualified shall be dismissed.

PROCEDURES/MANUALS:

Access procedures for this policy at the Department's Policies webpage. **Note:** There are **two (2)** procedures associated with this policy; **FDJJ 1800P – Background Screening Procedures and FDJJ 1800PC - Background Screening and Hiring Practices Procedures for Contract Providers.**