

POLICY

DHS residential juvenile justice facilities must not offer employment to any individual convicted of a felony or certain other offenses specified in this policy, an individual who has a criminal case pending, an individual with a substantiated child abuse or neglect complaint, or an individual who appears on the Michigan or national sex offender registry.

This policy applies to personnel hired after September 1, 2011.

PURPOSE

To ensure facility personnel are role models for adjudicated youth under their supervision and avoid exposing youth to actual or potentially negative influences.

DEFINITIONS

See JRG, JJ Residential Glossary.

**RESPONSIBLE
STAFF**

DHS human resources staff, DHS juvenile justice facility directors, and other employees involved in employee recruiting, screening and hiring.

**SCREENING AND
HIRING
PROCEDURES**

Each DHS juvenile justice facility must develop and implement a written procedure for screening and hiring applicants or accepting applicants for transfer to facility positions. This procedure must include situations where a current employee seeks a different position within a juvenile justice facility including positions that would constitute a promotion. The procedure must contain the following requirements:

**Position
Announcements**

State of Michigan facility job postings must contain notification that new or transfer applicants are subject to all of the following:

Criminal history checks.

- Central registry checks.
- Other background checks including checks of the Michigan and national sex offender registries.
- Checks with prior institutional employers for information on substantiated allegations of sexual abuse by the applicant.
- Direct questions about previous misconduct in written applications for hiring or promotions and during interviews.
- Submission of fingerprints.
- Testing for use of illegal substances.

Note: In the event that a facility is contacted by an institutional employer regarding a former employee seeking work, the facility director must coordinate providing information regarding substantiated allegations of sexual abuse with the juvenile programs director and Office of Labor Relations.

Pre-employment Screening

All applicants must complete pre-employment screening that includes:

- Submission of fingerprints; see AHP 629-9, Criminal History File Search by Fingerprints.
- Criminal history checks using the Law Enforcement Information Network (LEIN) or Internet Criminal History Access Tool (ICHAT).
- Testing for use of illegal substances.
- Checks of the central registry.
 - The prospective employee must submit a written DHS-194, Request for Central Registry Clearance, which is available online.
 - The facility director or designee must contact the local county office to verify that a prospective employee is not listed as a perpetrator on the central registry.

- The county office must provide a completed DHS-1910 which documents that there is no central registry record of the individual or that a record exists and lists the county that entered the record.
- Checks of the Michigan Public Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website.

Prospects Determined Ineligible for Employment

The facility director or designee must notify prospective employees if they are determined to be ineligible for employment. Upon the prospective employees' request, the facility director or designee must allow them to review the relevant portion of their records with the exception of LEIN results; see JJ2 280, LEIN Checks, for restrictions on access to LEIN results.

Requests for Hiring Ex- offenders

The facility director or designee may request to hire an individual previously convicted of a misdemeanor offense by taking the following steps:

- Prepare a written request showing that the candidate is of good character and has demonstrated a suitable history of lawful behavior.
- Submit the request to the director of the Bureau of Funding, Contracting and Juvenile Programs for approval. The request process cannot be approved for an individual convicted of any of the following:
 - A felony or pending felony charge.
 - Child abuse or neglect (conviction, adjudication or substantiation).
 - Any offense listed as Tier I, II or III in the Michigan Sex Offenders Registration Act.

Note: The above requirement applies whether the offender is required to register or not.

- Any other misdemeanor involving harm or threatened harm to an individual within the immediate 10 years preceding the date of consideration for hire.

Annual Checks

The facility director or designee must ensure the following annual checks are conducted and documented for all staff:

- Central registry checks.
- Criminal history checks using LEIN or ICHAT including checks for for all interns and contractors.
- Checks of staff for current driver's licenses and the appropriate endorsements for duties performed.
- Checks of the Michigan Public Sex Offender Registry and the Dru Sjodin National Sex Offender Public Website.

AUTHORITY

Social Welfare Act, 1939 PA 280, as amended, MCL 400.115a(1)(I)

Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.119

Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721 et seq.

Prison Rape Elimination Act, 42 USC 15601 et seq.