

Chapter: Personnel
Subject: Personnel & Prohibited
Convictions for Employment
Section: 3.1
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ODJFS Rule: 5101: 2-5-09
COA Standard: HR 3.02(a), 3.03(b), 3.05, 5.02(a),
Review/Revised: 3/25/2020; 4/29/21; 9/17/21; 10/22/21;
11/10/21

NRTC has a written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers and employees. The position descriptions are located in each employee's personnel file in the administrative office.

Prior to hire, NRTC will obtain, from persons not related to the subject of reference, at least three written references or written notes on verbal references regarding prospective college interns, volunteers and employees who will have direct contact with youth.

NRTC hires qualified employees to provide the services which it is certified to provide.

1. NRTC will assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.
2. The person employed as the administrator of the agency shall possess a Master's Degree from an accredited college or university, as well as other qualifications and experience as determined by Court Administration in writing.
3. Persons employed in positions responsible for the daily direct care or supervision of youth shall be at least twenty-one years of age and possess a high school diploma or GED.

In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of the previous section, such employee will meet those qualifications which are the most rigorous among the competing criteria. Additionally, employee selection for a position will align with the job description and their skills and abilities shall meet the position's criteria.

NRTC requires a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any person who will have direct contact with youth.

NRTC shall, at its own discretion or at the request of the Ohio Department of Job and Family Services, require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified professionals when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of youth.

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NRTC documents that any person hired after October 29, 1993 as an administrator, child care staff, caseworker, or in any other position responsible for a youth's care in out-of-home care shall not have been convicted of or pleaded guilty to any of the offenses listed in Appendix A to rule 5101: 2-5-09 of the Administrative Code, except as provided in paragraph (J) of that rule.

Unless specifically prohibited in Appendix A to rule 5101:2-5-09, a prospective employee convicted of or who has pleaded guilty to an offense listed in Appendix A of rule 5101: 2-5-09 may be hired by the facility as an administrator, child care staff or caseworker, or in any other position responsible for a youth's care in out-of-home care only if the rehabilitative criteria listed in paragraph (J) of rule 5101: 2-5-09 has been met.

It is the prospective employee's duty to provide written verification that the conditions specified in paragraph (J) of rule 5101: 2-5-09 have been met. If the prospective employee fails to provide such proof or if the agency determines that the proof offered by the prospective employee is inconclusive or insufficient, the person shall not be hired. Any doubt will be resolved in favor of protecting the youth the Center serves.

To determine whether a prospective employee is qualified to be hired pursuant to paragraph (K) of rule 5101: 2-5-09, a criminal records check shall be conducted pursuant to rule 5101: 2-5-09.1 of the Administrative Code (see Policy 3.2).

The provisions of paragraph (J) of rule 5101: 2-5-09 must be considered for any prospective employee who has been convicted of, or pleaded guilty to, one or more of the offenses listed in Appendix A to that rule even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care of children who may be entrusted to the person's care.

A conviction of, or plea of guilty to, an offense listed in paragraph Appendix A of rule 5101: 2-5-09 shall not prevent a prospective employee's hire if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967 of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

NRTC completes an alleged perpetrator search of abuse and neglect report history through the Statewide Automated Child Welfare Information System (SACWIS) for each prospective employee, volunteer, intern, subcontractor, and anyone who works with youth in any capacity at the facility. NRTC shall obtain a check of the child abuse and neglect registry of any other state a prospective employee, volunteer, intern or subcontractor has resided in the five years immediately prior to the date of the criminal records check required by division (A) of section 2151.86 of the Revised Code. A report with the results of the search is to be placed in the individual's record and is to be used to determine the suitability of the individual to provide care to children.

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NRTC obtains a search of the US Department of Justice national sex offender public website for each prospective employee, volunteer, intern, and subcontractor. A report with the results of the search is to be placed in the individual's record and is to be used to determine the suitability of the individual to provide care to children.

NRTC may refuse to hire a prospective employee, intern or subcontractor and may refuse volunteer services from an individual based solely on the findings of the searches described above. An individual is not eligible for employment or approval as an employee, intern, subcontractor, volunteer, board president, administrator or officer at NRTC if the individual's alleged perpetrator results show a finding of substantiated abuse or neglect within the past ten years, or if the individual is listed on the national sex offender public website.

Prior to hiring or appointing a person as board president, administrator or officer, NRTC shall conduct an alleged perpetrator search, request a certified search of the findings for Recovery Database, conduct a database review at the federal website known as the System for Award Management, and conduct a search of the USDOJ national sex offender public website. These findings are to be kept in a file created for each board president, administrator or officer. NRTC may refuse to hire or appoint a person as a board president, administrator or officer based solely on the findings of the summary report or the results of the searches described in this paragraph.

Personnel Files

NRTC has a separate personnel file for each employee which includes at a minimum:

1. The employee's application for employment
2. Copies of references or three notes on verbal references
3. A copy of the employee's current job description or Service Contract
4. Copies of all educational degrees, diplomas or equivalency certificates
5. Copies of all professional credentials, licenses or certifications
6. A copy of a valid Driver's License (or other proof of age documentation, if not transporting youth)
7. Copies showing proof of current automobile insurance if transporting youth. If the staff member will be utilizing his or her own vehicle when transporting children then they will need a Vehicle State Highway Patrol Inspection completed on their own vehicle.
8. Completed JFS 01390 ODJFS Medical Statement for Child Care Staff in Residential Facilities and a copy of all medical records obtained
 - Information obtained as part of a required medical examination and/or inquiry regarding the medical condition or history of employees is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record
9. The BCI and FBI criminal records check results required by rule 5101: 2-5-09.1 of the Administrative Code and, if applicable, documentation that the requirements of paragraph (J) of rule 5101: 2-5-09 have been met
10. The results of the Ohio Alleged Perpetrator Search and the registry search of any other state the employee resided in within five years prior to hire, if applicable

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11. Results of the search of the United States Department of Justice National Sex Offender Public Website
12. Documentation of all training received, including specific training for and an annual review of acceptable methods of restraint
13. A copy of each job evaluation performed
14. Copies of all disciplinary actions involving the employee
15. Any notification of charges of any criminal offense brought against the employee and any notification of conviction of any criminal offense
16. The employee's date of hire and termination, if applicable

Personnel files for each employee are maintained for at least five years after the date of employment ends.