

ANNE ARUNDEL COUNTY DEPARTMENT OF DETENTION FACILITIES ADMINISTRATIVE DIRECTIVE	AD NO: 03.30 DATE: October 31, 2022 SUBJECT: Personnel TITLE: Employee Recruitment, Selection and Promotion FOR PUBLIC RELEASE: Yes
---	--

I. Reference: ACA 3-ALDF 1C-08 through 13; 28 CFR §115 Prison Rape Elimination Act National Standards; MCCS .05A, .05B; Anne Arundel County Code §6-1-204, 6-1-205; Employee Relations Manual (ERM) B-01, B-02, B-03, B-04, C-01, F-01, F-02; AD 03.02, 03.05, 03.07, 03.24, 03.27, 03.33, 06.06

II. Applicable To: Anne Arundel County Department of Detention Facilities (AACDDF)

III. Purpose: To establish guidelines for the recruitment, selection and promotion of employees.

IV. Definitions:

Contractor – a person who provides services one (1) time or on a recurring basis, pursuant to a contractual agreement with the AACDDF.

Prison Rape Elimination Act (PREA) – where used herein, refers to Public Law 108-79 – Prison Rape Elimination Act of 2003.

Sexual Abuse – Sexual abuse includes, but is not limited to, sexual intercourse, oral or anal sodomy and sexual acts with instruments. Consensual sexual intercourse with an offender by an employee is by its nature an assault and defined by law as rape in the second degree, a felony.

Sexual Crimes – where used herein, refers to Perverted Practice Sexual Offenses, Sexual Contact, Sodomy and Rape, as defined by Maryland law.

Volunteer – an individual who donates time and effort one (1) time or on a recurring basis to enhance the programs and/or activities of the AACDDF.

V. Policy:

A. In accordance with the Prison Rape Elimination Act of 2003, the AACDDF shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution; 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; or has been civilly or administratively adjudicated to have engaged 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.

- B. Recruitment, selection and processing of applicants for all vacant merit positions shall be in accordance with the ERM, Sections B-01 and B-02.
- C. Entry-level salaries shall be established in accordance with the ERM, Section C-01.
- D. Promotion, transfer, reassignment and demotion of employees shall be in accordance with the ERM, Section B-04 and AD 03.27.
- E. Probationary periods for all County employees shall be in accordance with the ERM, Section B-03 and AD 03.07.
- F. Disciplinary actions, appeals and grievances shall be in accordance with the ERM, Sections F-01 and F-02 and AD 03.02 and 03.05.
- G. Individuals selected by vendors or other governmental agencies working within the AACDDF, shall comply with the following:
 - 1. The selection standards of the agency or vendor as detailed in the Agency's personnel manual, Memorandum of Understanding or the vendor contract with the County.
 - 2. A criminal history check, in accordance with AD 03.24.
 - 3. A physical examination, as detailed in the Memorandum of Agreement between the agency/vendor and the County or as specified in the vendor's response to a County Request for Proposal.
 - 4. The agency shall not hire or promote anyone who has engaged in sexual abuse or sexual harassment, as defined in section IV. of this directive.
 - 5. The agency shall not enlist the services of any contractor who has engaged in sexual abuse or sexual harassment, as defined in section IV. of this policy.
- H. All merit and County agency/vendor employees shall be processed in accordance with AD 03.33. The following forms must be completed.
 - 1. The Management Assistant II (MAII)–Personnel shall complete the Notification of New Employee Checklist (Appendix 1) for each employee

prior to his/her hire date and maintain this record in the employee's personnel file.

2. The Program Specialist II (PSII)–Training shall complete the In-Processing Checklist (Appendix 2) for each individual prior to his/her hire date and maintain this record in the employee's training file. This shall serve as the basis to schedule New Employee Reception training and the issuance of an ID card.
- I. Prior to hiring new employees; or enlisting the services of a contractor or volunteer, the AACDDF shall:
 1. Conduct a criminal history record check on each individual.
 2. Consistent with Federal, State and local law, AACDDF staff shall make its best effort 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.
 - J. AACDDF staff shall ask all applicants and employees about previous misconduct related to sexual abuse or sexual harassment in written applications or interviews for hiring or promotion and in any interviews or written self-evaluations conducted as part of reviews of current employees. AACDDF staff shall also impose upon employees a continuing affirmative duty to disclose any such misconduct. Material omissions regarding such misconduct or the provision of materially false information shall be grounds for termination.

NOTE: UNLESS PROHIBITED BY LAW, THE AACDDF SHALL PROVIDE INFORMATION ON SUBSTANTIATED ALLEGATIONS OF SEXUAL ABUSE OR SEXUAL HARASSMENT INVOLVING A FORMER EMPLOYEE UPON RECEIVING A REQUEST FROM AN INSTITUTIONAL EMPLOYER FOR WHOM SUCH EMPLOYEE HAS APPLIED TO WORK.

- K. The AACDDF shall either conduct criminal background checks at least every five (5) years of current employees, contractors and volunteers who may have contact with inmates or have in place a system for capturing such information for current employees, contractors and volunteers.
- L. Criminal background checks shall be recorded on the Background Check Record for Employees, Contractors & Volunteers, Appendix 3 and maintained in the Compliance Office.

- M. All potential new employees or any employee who may be promoted shall complete the PREA Mandated Disclosure, Appendix 4. This document shall be maintained in the individual's Training File.

Since a policy cannot provide specific directions for all situations, staff are expected to exercise good judgment in the performance of their duties. Should staff be unsure of how a particular situation should be handled, the staff member shall consult their Supervisor.

Should any portion of this directive become unenforceable or require change due to operational problems, staff shall be expected to document the affected section in an Incident Report and forward same to the Captain/Assistant Correctional Facility Administrator (ACFA)-Security.

This directive shall be reviewed at least annually and revised as necessary.

Rescinds: AD 3.30 dated August 1, 2002
AD 3.30 dated September 20, 2004
AD 03.30 dated March 18, 2016
AD 03.30 dated September 23, 2021

Appendix 1 – Notification of New Employee Checklist
Appendix 2 – In Processing Checklist
Appendix 3 – Background Check Record for Employees, Contractors & Volunteers
Appendix 4 – PREA Mandated Disclosure