



STATE OF IOWA

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DEPARTMENT OF HUMAN SERVICES
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GENERAL LETTER NO. 3-G-4

ISSUED BY: Division of Mental Health and Disability Services

SUBJECT: Employees' Manual, Title 3, Chapter G, **GENERAL FACILITY POLICIES**, Contents (pages 1 through 4), revised; page 19, revised; and pages 18a through 18e, new.

Summary

Chapter 3-G is revised to include policies on:

- ◆ Employee record checks
- ◆ Rental and leasing of facility space

Effective Date

Upon receipt.

Material Superseded

This material replaces the following pages from Employees' Manual, Title 3, Chapter G:

<u>Page</u>	<u>Date</u>
Contents (pages 1-4)	May 14, 2010
19	May 14, 2010

Additional Information

Refer questions about this general letter to the administrator of the Division of Mental Health and Disability Services.

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Injuries Requiring Medical Attention off Grounds

Facility written policies and procedures shall assure that all employee injuries requiring medical attention off grounds shall be reported to the division administrator. The superintendent or the superintendent's designee shall:

- ◆ Make the report as soon as the superintendent or the superintendent's designee is aware of the injury.
- ◆ Make the report by direct phone contact with the division administrator during business days, evenings, weekends, and holidays.
- ◆ Provide the division administrator with a written email report of the injury by 12 p.m. the next business day.

NOTE: If a full report of the injury is not known within the required reporting time frames, a follow-up email report shall be provided to the division administrator as soon as possible.

Record Checks

The Department is responsible to protect the safety of the individuals served. The Department has a duty to provide a safe environment where the individual is safe from abuse or neglect.

Part of providing a safe environment is to assure that persons employed by the Department, volunteers, contractors or a contractor's employees performing work on the campus of the facility do not have a background of prior abuse or neglect. It is the policy of the Department to assure that background checks shall be conducted before a person is:

- ◆ Offered employment,
- ◆ Authorized to volunteer on a regular basis, or
- ◆ Authorized to provide contract services.

All record checks shall be completed as outlined in the ***Registry and Record Check Manual for DHS*** issued by the Department's Office of Human Resources.

Pre-Employment Record Checks

Facility written policies and procedures shall assure that before a person is offered employment, approved to regularly volunteer, or approved as a contractor the following record checks shall be completed:

- ◆ Criminal Records in Iowa,
- ◆ Iowa Child Abuse Registry,
- ◆ Iowa Dependent Adult Abuse Registry,
- ◆ Sexual Offender Registry,
- ◆ List of Excluded Individuals and Entities (LEIE), and
- ◆ Excluded Parties List System (EPLS).

Out-of-State Pre-Employment Checks

Facility written policies and procedures shall assure that, in addition to the required national and in-state required record checks, when employing a person from out of state the facility shall:

- ◆ Complete pre-employment and ongoing out-of-state child abuse and dependent adult abuse records checks when the facility because of proximity regularly hires and employs persons who live in another state.
- ◆ Make a reasonable attempt to complete pre-employment child abuse and dependent adult abuse record checks on incidental out-of-state hires.

At the discretion of the superintendent, the check may be waived based on the application information submitted, licensure checks, or a reference's recommendations that provide reasonable evidence that a check is not required.

Post-Employment Record Checks

Facility written policies and procedures shall assure that subsequent to the employment of a person, a national FBI criminal record check shall be completed.

Volunteer Record Checks

Facility written policies and procedures shall assure that persons who volunteer on a regular basis shall be subject to the same records checks as a person seeking employment. Checks are not required for:

- ◆ Individual volunteers who volunteer less than once per calendar quarter and who during their duties shall be under constant supervision by an employee.
- ◆ One-time group volunteers who during their duties shall be provided constant supervision by an employee.

Record Check Evaluations

Facility written policies and procedures shall assure that persons seeking to volunteer who require a record check evaluation shall be subject to the same evaluation process as a person seeking employment using form 470-2310, *Record Check Evaluation*.

Contractor Record Checks

Facility written policies and procedures shall assure that all persons who provide contract services on the facility's campus shall be subject to the same records checks as a person seeking employment. The facility shall be responsible to:

- ◆ Conduct the records checks for the contractors who contract directly with the facility.
- ◆ Assure that contractors providing services through the Department of Administrative Services have had the required records checks on all the persons who will be providing services under the contract.

If the Department of Administrative Services has not conducted the records checks, it shall be the responsibility of the facility to see that record checks are completed before the contract services are provided.

Records checks do not need to be completed on an intermittent contractor who does not provide services directly to an individual and who is under the constant supervision of an employee at all times.

Record Check Evaluations

Facility written policies and procedures shall assure that persons seeking to contract who require a record check evaluation shall be subject the same evaluation process as a person seeking employment using form 470-2310, *Record Check Evaluation*.

Ongoing Employee Record Checks

Facility written policies and procedures shall assure that ongoing record checks shall be completed on employees as follows:

- ◆ For an employee who:
 - Is transferring from another facility or state agency,
 - Is being promoted, or
 - Has a substantial change in duties.
- ◆ As determined by the director.
- ◆ As determined by the superintendent. The superintendent shall have the authority to require a partial or complete records check for a current employee at any time the superintendent believes it is appropriate to:
 - Protect the safety of the individuals served or other employees, or
 - Assure compliance with Medicaid funding requirements.

Nonemployee Campus Resident

Facility written policies and procedures shall assure that a person who is not an employee, volunteer, or contractor of the facility but is listed in a campus rental agreement as living with the tenant shall be subject to the same record screening process as an applicant for employment.

Dependent children of the tenant or a person under the age of 18 years living with the tenant may, at the discretion of the superintendent, be exempt from the background check requirement. Background checks with the List of Excluded Individuals and Entities (LEIE) and the Excluded Parties List System (EPLS) do not need to be included.

See [Approval to Live on Campus](#) for more information.

Policy on Rental or Leasing of Facility Grounds or Buildings

With the approval of the division administrator, Department facilities are authorized to rent or lease space at the facility. To support the development of and promote the efficient operation of publicly funded services, space that is not needed for the facility's current program operations may be rented or leased to:

- ◆ A department or division of state government,
- ◆ A county or group of counties, or
- ◆ A private non-profit agency.

Facility space designed for residential living, such as apartments or houses, may be used to enhance employment opportunities or improve the efficiency of the operation of the facility.

Facility written policies and procedures shall assure that the rental or leasing of space shall conform to the policies in 24-C, [Rental of Housing and Storage Space at DHS Institutions](#).

Approval to Live on Campus

Facility written policies and procedures shall assure that approval of a nonemployee to live on campus shall be contingent on:

- ◆ The person or the person's parent, guardian, or legal representative giving consent to required records check,
- ◆ Having a satisfactory background check or being authorized based on a record check evaluation,
- ◆ Agreeing to abide by any conditions placed on the person's residence at the facility, and
- ◆ Authorizing the facility to perform a new records check at any time and for any purpose.

See [Nonemployee Campus Resident](#) for record check policies.

NOTE: Nothing in this policy shall be interpreted as providing that a non-employee who complies with these conditions has a right to live on campus. The final decision on approval shall rest with the superintendent.

Agency Lease Contract

Facility written policies and procedures shall assure that in the process of developing a lease for the use of campus space, a determination shall be made as to whether or not the lease shall require that the lessee conduct the same record checks for the lessee's employees as is required for Department employees.

- ◆ Checks with the List of Excluded Individuals and Entities (LEIE) and the Excluded Parties List System (EPLS) do not need to be included.
- ◆ A lessee that is subject by law to the same legal record check requirements as the facility shall not be required to have the record check requirement included in the lease.
- ◆ A lessee that is not subject to the same legal requirements shall be evaluated to determine the level of opportunity for interaction between the lessee's employees and the individuals served by the facility to determine whether or not the requirement shall be included.

See [Record Checks](#) for record check policies.

Retirement

Facility written policies and procedures shall assure that the division administrator is informed of a retirement notice given by an employee in a management level position.

Notice shall be provided by the superintendent or the superintendent's designee to the division administrator by e-mail no later than 12 p.m. the next business day after the day the superintendent was informed of the retirement.

Exceptional Employee Action Recognition

Facility written policies and procedures shall assure that the superintendent or the superintendent's designee shall provide notification to the division administrator of the facility's actions to provide special recognition to an employee for exceptional job performance or other reason.

Notice shall be provided to the division administrator by e-mail at least one week before the recognition will be made.