

CHAPTER.....

AN ACT relating to juvenile justice; revising provisions governing employment with a department of juvenile justice services; authorizing a department of juvenile justice services to terminate the employment of certain persons after providing the employee reasonable time to correct information or resolve certain pending charges; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners of such a county has not established a department of juvenile justice services, the juvenile court must establish by court order a probation committee and must appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law requires a department of juvenile justice services to obtain a background investigation of applicants for employment with, and employees of, the department. Existing law also requires a department to obtain a background investigation of each employee of the department at least once every 5 years after the initial investigation. (NRS 62G.223, 62G.353) Existing law authorizes a department of juvenile justice services to deny employment to an applicant, or terminate the employment of an employee, against whom certain criminal charges are pending. Further, existing law requires a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee who has been convicted of certain crimes. (NRS 62G.225, 62G.355) This bill amends existing law by authorizing, rather than requiring, a department of juvenile justice services to terminate the employment of an employee if the employee: (1) has been convicted of certain crimes; or (2) certain criminal charges are pending against the employee. Before terminating the employee, the department of juvenile justice services is required to allow the employee a reasonable amount of time to: (1) correct information obtained from the background investigation; or (2) resolve certain pending charges against the employee.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62G.225 is hereby amended to read as follows:

62G.225 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223, the information



received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services ~~may~~ :

(1) May deny employment to the applicant ~~for terminate the employment of the employee~~ after allowing the applicant ~~for employee~~ time to correct the information as required pursuant to subsection 2 ; ~~for 3, whichever is applicable;~~ or

(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve the pending charges pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.223, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an ~~applicant for employment or an~~ employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 is incorrect, the ~~applicant or~~ employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the ~~applicant or~~ employee a reasonable amount of time of not less than 60 days to correct the information.



4. *If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services shall allow the employee a reasonable time of not more than 180 days to resolve the pending charges against the employee. Upon request and good cause shown, the department of juvenile justice services may allow the employee additional time to resolve the pending charges against the employee.*

5. During the period in which an ~~applicant or~~ employee seeks to correct information pursuant to subsection 2 or 3, *or resolve pending charges against the employee pursuant to subsection 4, the ~~applicant or~~ employee:*

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

~~5.1~~ 6. The provisions of subsection ~~4~~ *5 are not disciplinary in nature and* must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3 ~~4~~ *or resolve pending charges against the employee pursuant to subsection 4.*

7. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

Sec. 2. NRS 62G.355 is hereby amended to read as follows:

62G.355 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.353, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, the department of juvenile justice services ~~may~~ :

(1) May deny employment to the applicant ~~for terminate the employment of the employee~~ after allowing the applicant ~~for employee~~ time to correct the information as required pursuant to subsection 2 ; ~~for 3, whichever is applicable;~~ or



(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.353, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 or 3, whichever is applicable.

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.353 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an ~~{applicant for employment or an}~~ employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.353 is incorrect, the ~~{applicant or}~~ employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the ~~{applicant or}~~ employee a reasonable amount of time of not less than 60 days to correct the information.

4. ***If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.353, the department of juvenile justice services shall allow the employee a reasonable amount of time of not more than 180 days to resolve the pending charges against the employee. Upon request from the employee and good cause shown, the department of juvenile justice services may allow the employee additional time to resolve the pending charges against the employee.***

5. During the period in which an ~~{applicant or}~~ employee seeks to correct information pursuant to subsection 2 or 3, ***or resolve pending charges against the employee pursuant to subsection 4,*** the applicant or employee:



(a) Shall not have contact with a child or a relative or guardian of the child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May be placed on leave without pay.

~~5.1~~ **6.** The provisions of subsection ~~4.1~~ **5 are not disciplinary in nature and** must not be construed as preventing a department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to subsection 2 or 3 ~~4~~ **6.1 , or resolve pending charges against the employee pursuant to subsection 4.**

7. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.360.

Sec. 3. (Deleted by amendment.)



