

Amendment No. 413

Assembly Amendment to Assembly Bill No. 411

(BDR 5-1029)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

VG/NCA



Date: 4/19/2017

A.B. No. 411—Revises provisions governing employment with a department of juvenile justice services. (BDR 5-1029)



ASSEMBLY BILL NO. 411—COMMITTEE ON JUDICIARY

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing employment with a department of juvenile justice services. (BDR 5-1029)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

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 ~~based upon a showing of just cause;~~ 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 ~~based upon a showing of just cause, rather than for cause,~~ 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.

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~~ 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;~~ ;

~~for 3, whichever is applicable;~~ ; ~~(1) Deny employment to the applicant; or~~

~~(2) Terminate the employment of the employee, based upon a showing of just cause;~~ 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 ; ~~;~~

~~(1) Shall deny employment to the applicant; or~~

~~(2) May terminate the employment of the employee, based upon a showing of just cause;~~

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 ~~4.1~~ 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. ~~1.~~

~~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.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;~~ ;

~~(1) Deny employment to the applicant; or~~
~~(2) Terminate the employment of the employee, based upon a showing of just cause;~~ 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~~ 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 ; ~~1.~~

~~(1) Shall deny employment to the applicant; or~~

~~(2) May terminate the employment of the employee, based upon a showing of just cause;~~

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.223, 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. 6.~~ *6.* The provisions of subsection ~~44~~ *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 ~~or 3.~~

~~6. 7.~~ *7.* *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. ~~NRS 62G.360 is hereby amended to read as follows:~~

~~62G.360 1. Pursuant to the provisions of this section, the director of the department of juvenile justice services may demote or dismiss, only for cause, any probation officer, employee of the department of juvenile justice services or employee of a local facility for the detention of children.~~

~~2. Before the director of the department of juvenile justice services may demote a probation officer or employee, the director shall provide to the probation officer or employee:~~

~~(a) A written statement of the reasons for the demotion; and~~

~~(b) An opportunity to be heard before the director regarding the demotion.~~

~~3. Before the director of the department of juvenile justice services may dismiss a probation officer or employee with less than 12 months of service, the director shall provide to the probation officer or employee:~~

~~(a) A written statement of the reasons for the dismissal; and~~

~~(b) An opportunity to be heard before the director regarding the dismissal.~~

~~4. If a probation officer or employee with 12 months or more of service is dismissed pursuant to this section:~~

~~(a) Not later than 15 days after the dismissal, the probation officer or employee may request a written statement from the director of the department of juvenile justice services specifically setting forth the reasons for the dismissal. The director shall provide the written statement to the probation officer or employee not later than 15 days after the date of the request.~~

~~(b) Not later than 30 days after receipt of the written statement from the director, the probation officer or employee may make a written request for a public~~

1 ~~hearing before the probation committee. The probation committee shall adopt rules~~
2 ~~for the conduct of such public hearings.~~

3 ~~— (e) The probation officer or employee may appeal the decision of the probation~~
4 ~~committee to the board or boards of county commissioners.~~

5 ~~— [5. The provisions of this section do not apply to a dismissal required by NRS~~
6 ~~62G.355.] (Deleted by amendment.)~~