

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES:</b>
<b>CHAPTER: Administration</b>	<b>AUTHORITY: KRS 15A.065</b>	
<b>SUBJECT: Definitions</b>		
<b>POLICY NUMBER: 100</b>		
<b>TOTAL PAGES: 8</b>		
<b>EFFECTIVE DATE: November 30, 2018</b>		
<b>APPROVAL: Carey D. Cockerell , COMMISSIONER</b>		

## **I. POLICY**

The following definitions shall apply in the Department of Juvenile Justice Policy and Procedures Manual Chapters 101 through 150.

## **II. DEFINITIONS**

- A. “Administrative Duty Officer (ADO)” means a staff member appointed to be responsible for facility or office operations and management during weekends, holidays, and periods other than regularly scheduled 8:00 a.m. – 4:30 p.m. workdays; or during periods of absence of the Juvenile Facility Superintendent (JFS) or Juvenile Services District Supervisor (JSDS) during regularly scheduled workdays.
- B. “Administrative Manager” means an employee within an organizational unit of the Department of Juvenile Justice with supervisory responsibility for carrying out the mission and policies of the Department within that unit. This term shall include Deputy Commissioners, Division Director, Assistant Director, Facilities Regional Administrator, Juvenile Services Regional Manager, Branch Manager, Justice Program Supervisor, Superintendent, Juvenile Services District Supervisor, Federal Program Coordinator, and Fiscal Manager.
- C. “Area of Concern” means program issues or problems that are discovered during a monitoring visit that are not systemic but need correction.
- D. “Cardholder” means a Commonwealth of Kentucky staff that has a procurement card (ProCard) issued in their name and is the only person authorized to use the card.
- E. “Catalog Master Agreement” means an all-state contract for use by all government agencies.

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- F. “Citizen Advisory Committee” means a group of citizens, with a demonstrated interest in and knowledge of the problems of juveniles, who are appointed by statute or by administrative regulation to advise the administration on matters relating to policy and problems in facility operation.
- G. “Compensatory Time” means award of leave time in lieu of paid overtime.
- H. “Contraband” is defined by KRS 520.010(1).
- I. “Custodian” means the persons authorized to have custody or control of assigned public and confidential records.
- J. “Department Equal Employment Opportunity (“EEO”) Coordinator” means the Department staff member who has primary responsibility for the agency’s affirmative action program in compliance with the State’s Affirmative Action Plan. The EEO Coordinator is located within the Department’s Personnel Branch.
- K. “Disciplinary Action” means discipline administered by the Commissioner of the Department of Juvenile Justice as the appointing authority pursuant to 101 KAR 1:335 and 345 and KRS 18A.020. Disciplinary actions fall under five categories: Written Reprimand, Disciplinary Fine, Suspension, Demotion, and Dismissal
- L. “Dismissal” means an involuntary termination of an employee from state government. Unclassified employees and employees serving initial probation may be dismissed without cause. Classified employees with status may be dismissed for cause only.
- L. “DNA” means deoxyribonucleic acid.
- M. “DNA Sample” means a swab specimen sample collected for DNA identification purposes.
- N. “EEO Counselor” means the DJJ staff member from a facility or DJJ office who reports employee complaints or allegations of harassment or inappropriate conduct to the department EEO Coordinator and Human Resource Branch Manager. The counselor is knowledgeable about complaint and grievance procedures and the proper remedial avenues.

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- O. “EO1” means the executive order mandated by the Governor of the Commonwealth of Kentucky and refers to the eMARS document.
- P. “Eligible Employee” means a full-time employee who is in active work status and established an annual increment date and employees in the unclassified services who have completed six (6) months of continuous service.
- Q. “Emergency Situation” means the occurrence, or the imminent threat of occurrence, of the situations listed below:
  1. Escape from a facility;
  2. Death;
  3. Serious Assault or Injury;
  4. Major fire or disturbance;
  5. Community placement disruptions;
  6. Other matters considered to be of a serious nature.
- R. “Employee” means a person who works directly for the agency or facility as established in 28 C.F.R. § 115.5.
- S. “Employee Handbook” means the publication so named and prepared by the Personnel Cabinet to provide general information about state employment and employee benefits. Federal and State personnel laws and regulations may modify or supersede any or all statements in this handbook.
- T. “Exempt Record” means records which are not subject to inspection as defined by KRS 61.878.
- U. “Exonerated” means the incident occurred, but the accused’s actions were justified or proper.
- V. “Facility” means a place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for the confinement of individuals as established in 28 C.F.R. § 115.5.
- W. “Finance and Administration Cabinet Policies and Procedures (FAP)” means policies developed, that govern the financial administration procedures throughout Kentucky state government.

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- X. “Flip Flop” means a flat, backless rubber sandal, usually secured on the foot by a thong between the first two toes, as for use at a beach, swimming pool, etc..
- Y. “Grievance” means a complaint filed by an employee which concerns some aspect of his or her conditions of employment over which the employee’s cabinet or agency has control and which has occurred or of which the employee has become aware, through the exercise of due diligence, within thirty (30) days prior to filing.
- Z. “Individually Identifiable Health Information” means information, including demographic information, that relates to the past, present or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and
1. That identifies the individual; or
  2. With respect to which there is reasonable basis to believe the information can be used to identify the individual.
- AA. “Intern” means a student or trainee who works, without pay, for the Department in order to gain work experience or credit from an approved accredited college or university.
- BB. “Manager” means a DJJ staff with supervisory responsibilities over subordinate staff listed underneath them on the Department, facility, or office organizational chart or contracted staff; examples of manager responsibilities shall include completion of performance evaluations, approving requested leave, scheduling, responding to work guideline violations, and other responsibilities as determined by the Department.
- CC. “Mandatory Personnel” means employees who are designated as such and required to report for duty in emergency or inclement weather conditions regardless of any public announcements to the contrary for state employees.
- DD. “Not Substantiated” means there is insufficient evidence to determine if an incident occurred or if the accused was involved in the incident.
- EE. “Obscene” means (1) to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest in sexual conduct; and (2) the matter depicts or describes the sexual conduct in a patently offensive way; and (3) the matter, taken as a whole lacks serious literary, artistic, political, or scientific value as defined in KRS 531.010(3).

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- FF. “Organizational Unit” means any unit that is listed on the DJJ Organization Chart and that falls under the direct supervision of an administrative manager. Divisions, Branches, Facilities, and Community Offices are all organizational units, but individual staff are not considered organizational units.
- GG. “Performance Improvement Plan (PIP)” means a formal, documented process by which a manager discusses issues of work performance with a subordinate staff and a plan is developed to improve their performance.
- HH. “Personally Identifiable Information (PII)” means information used to distinguish or trace an individual’s identity, such as their name, Social Security Number, biometric records, alone or when combined with other personal or identifying information linked or linkable to a specific individual. An item such as date and place of birth, mother’s maiden name, or father’s surname is PII, regardless of whether combined with other data.
- II. “Personally Identifiable Information (PII) Loss” means a circumstance when an employee, contractor, or agent has reason to believe that information on hard copy or in electronic format, which contains PII provided by SSA, left the agency’s custody or the agency disclosed it to an unauthorized individual or entity.
- JJ. ”Procurement” means the purchase of goods or services for the use by the Department of Juvenile Justice.
- KK. “Professional Organization” means an association or society engaged in furthering the knowledge, technical or ethical standards among members of a particular profession.
- LL. “Professional Volunteer” means a volunteer who perform professional services based upon a certificate or license to do so.
- MM. “Protected Health Information” means individually identifiable health information that is transmitted or maintained in any form or medium.
- NN. “Psychotherapy Notes” means notes recorded (in any medium) by a healthcare provider who is a qualified mental health professional documenting or analyzing the contents of conversations during private counseling sessions or a group, joint, or family counseling session and that are separated from the rest of the individual’s medical record.

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- OO. “Public Record” is defined by KRS 61.870(2).
- PP. “Relative” means a person's father, mother, spouse, spousal equivalent, brother and sister(including step-, adopted, or foster-), son and daughter(including step-, adopted, or foster-children), brother-in-law, sister-in-law, aunts, uncles, son-in-law, daughter-in-law, nieces, nephews, grandparent, grandchild, stepparent, boyfriend or girlfriend, 1<sup>st</sup> cousin, 2<sup>nd</sup> cousin, or any other member of the persons immediate household.
- QQ. “Retaliation” means adverse action against an employee who complains about or protests discriminatory or harassing conduct or who participates in an investigation.
- RR. “Request for Disciplinary Action” means a written request submitted by a manager through the supervisory chain to the Commissioner requesting formal disciplinary action against a subordinate staff and shall not include a request for a specific type of disciplinary action.
- SS. “Safety Sensitive Position” means any position within the Department of Juvenile Justice that requires direct contact with youth in custody of the department.
- TT. “Security Breach” means an act from outside an organization that bypasses or violates security policies, practices, or procedures.
- UU. “Security Incident” means a security incident happens when a fact or event signifies the possibility that a breach of security may be taking place, or may have taken place. All threats are security incidents, but not all security incidents are threats.
- VV. “Security Violation” means an act from within an organization that bypasses or disobeys security policies, practices, or procedures.
- WW. “Social Security Administration (SSA)provided data/information” means information under the control of SSA provided to an external entity under the terms of an information exchange agreement with SSA.
- XX. “Sexual Contact” means any intentional touching or physical contact of the sexual or other intimate parts of a person, including the genitalia, anus, groin, breasts, inner thighs or buttocks, either directly or through clothing, that is unrelated to official duties or done for the purpose of arousing or

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gratifying the sexual desire of any person or humiliating, harassing, or degrading any person.

YY. “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment as defined in 29 C.F.R. §1604.11.

ZZ. “Special Incident” means an act in which the health or welfare of a youth is harmed or threatened with harm by a staff person. It includes but is not limited to incidents when a facility staff person:

1. Uses inappropriate or excessive force that could result in an injury.
2. Engages in any sexual activity to include any contact or interaction, which uses or allows, permits or encourages the use of a youth for the sexual gratification of the perpetrator or another person.
3. Uses inappropriate consequences such as excessive exercise, harsh physical work or other physical consequences outside accepted practices of the Department of Juvenile Justice.
4. Uses or attempts to use a youth in the pursuit of the staff’s own personal gain;
5. Enters into a business relationship with a youth;
6. Extends unearned special privileges to a youth in return for something done for staff.
7. Accepts a bribe from a youth or indicate a bribe would be accepted.
8. Enters any unlawful transaction with a youth as set forth in KRS 530.064, 530.065 and 530.070.
9. Uses humiliating, demeaning, profane or racially charged language and/or gestures directed at a youth;
10. Uses verbal threats of harm directed at a youth;
11. Exhibits a pattern of harassing conduct directed at a youth;
12. Does not provide appropriate supervision, medical care, food, clothing, shelter or education;
13. Allows or encourages a youth to engage in an illegal activity such as use of drugs or alcohol or gambling.

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- AAA. “Sole Source” means only one (1) known vendor can provide the goods or services. This also includes goods and services that are proprietary.
- BBB. “Staff” means a person who works directly for the agency or facility as established in 28 C.F.R. § 115.5.
- CCC. “Substantiated” means that an incident occurred by an admission of the person responsible; or by a preponderance of the evidence (A requirement that more than 50% of the evidence points to something).
- DDD. “Transient Office Space” means a temporary workstation to be utilized by a DJJ employee.
- EEE. “Unfounded” means the charges are false or the employee was not involved in the incident.
- FFF. “Verbal Conference” means an informal meeting between a manager and a subordinate where specific work behavior, whether positive or negative, are discussed.
- GGG. “Visitor” means anyone who is not an employee of the Department.
- HHH. “Volunteer” means any person who, of his own free will, provides goods or services to the facility with no monetary or material gain. The term volunteer includes regular, occasional and stipend volunteers, material donors and advisory councils. Volunteers are recruited to supplement and enrich, but not to substitute, activities and functions of staff.
- III. “Volunteer Coordinator” means the staff member charged with recruitment, screening, training and assignment of volunteers, including provision of training and technical assistance.
- JJJ. “Work Guidelines” means all federal and state statutes, state government policies, and official management directives that govern the actions of DJJ staff.
- KKK. “Youth Activity Fund” means funds collected through work projects, sales of items produced by residents, and private donations to be used for social and recreational opportunities for residents.