**Section 411.410 Personnel**

a) A personnel manual shall be established and made available to staff that includes at a minimum:

1) An explanation of the requirements for pre-employment background checks of applicants;

2) A facility organizational chart;

3) Staff development, including orientation and in-service training and professional continuing education;

4) Insurance and professional liability;

5) Standards of conduct for employees;

6) Drug-free and smoke-free workplace policies; and

7) Work rules.

b) Each employee, volunteer, and intern shall be required to sign a statement acknowledging access to and knowledge of the personnel policies and his or her responsibility for complying with them.

c) Staffing of personnel shall be sufficient to ensure:

1) Continuous and effective supervision of children and youth, as required by this Part, is maintained at all times;

2) Children and youth have adequate access to staff, programs, and services; and

3) The safe and secure operation of the security systems and physical plant.

d) The facility shall comply with all federal, State, and local laws regarding equal employment opportunities.

e) The facility shall provide a mechanism to process requests for reasonable accommodation of the known physical or mental impairments of a qualified individual with a disability. The accommodation need not be granted if it would impose an undue hardship or a direct threat to the health or safety of the individual or others that cannot be reduced or eliminated by reasonable accommodation.

f) All temporary or "acting" appointments are subject to the same standards as permanent employees.

g) A background check shall be conducted, prior to employment, appointment, or service, on all applicants, volunteers, or other persons who will have contact with children and youth.

h) The facility shall establish a drug-free and smoke-free workplace plan that shall be reviewed at least annually. The plan shall:

1) Require pre-employment testing for the presence of illegal or controlled substances;

2) Prohibit smoking, the use of illegal substances or misuse of controlled medications;

3) Prohibit possession of any illegal substance;

4) Require testing for substance abuse based on reasonable suspicion;

5) Provide availability of treatment or counseling for substance abuse; and

6) Set out the penalties for violation of the plan.

i) Employee performance shall be reviewed annually based on a written job description and the results shall be discussed with the employee and placed in the employee's personnel file.

j) The facility shall maintain a current, accurate, and confidential personnel record on each employee, volunteer, and intern. Information obtained as part of a medical examination (see Sections 411.460 and 411.720) or inquiry regarding the medical history or condition of an applicant or employee shall be collected and maintained in a separate confidential medical record. Representatives of the Department shall have unrestricted access to employee, volunteer and intern personnel files for any purpose, including compliance auditing, investigations, and administrative supervision.

k) Facility staff shall be provided with a photo-identification card or badge (ID). The ID shall be worn at all times while on duty.

l) Employees shall be prohibited from using their official positions to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest or violation of written standards of conduct.

m) Employees, volunteers, interns, consultants, and contractual personnel who work with children and youth shall be informed in writing about the facility's policies on confidentiality of information and agree in writing to abide by them.