

**2960.0240 PERSONNEL POLICIES.**

Subpart 1. **Job descriptions and staff qualifications.** Job descriptions and staff qualifications must meet the requirements in items A and B.

A. The license holder must have written job descriptions for all position classifications and post assignments that define responsibilities, duties, and qualifications needed to perform those duties. The job description must be readily accessible to all employees.

B. Staff who supervise residents must be at least 21 years old. Persons older than 18 years old but younger than 21 years old may be employed if they are enrolled or have completed course work in a postsecondary education program to pursue a degree in a behavioral science.

Subp. 2. **Professional licensure.** The license holder must maintain documentation showing that licensure is current for staff whose positions require professional licensure.

Subp. 3. **Staffing plan.** The license holder must prepare and obtain approval from the commissioner of corrections of a written staffing plan that shows staff assignments and meets the needs of the residents in placement. The license holder must use the criteria in items A to J to develop the facility's staffing plan.

A. The license holder must designate a chief administrator of each facility.

B. In the temporary absence of the chief administrator, a staff person must be designated as the person in charge of the facility.

C. The license holder must designate a program director of the facility. A program with more than 24 residents must have a full-time program director.

D. The license holder must not assign staff in a manner that invades the privacy of residents or embarrasses or diminishes the dignity of residents by requiring staff of a different gender to perform the duties in subitems (1) to (4):

(1) strip searches and resident-assisted searches;

(2) witnessing or assisting at internal body searches;

(3) direct visual supervision of residents during showers or lavatory use; and

(4) assisting a resident with a personal hygiene activity if assisting the resident with the hygiene activity would require the staff person to view the resident unclothed or to touch the genitals, buttocks, or breasts of the resident.

The written staffing plan must include a contingency plan that ensures an immediate response by on-call staff of the same gender, who must be available when needed, to maintain the resident's privacy in situations described in subitems (1) to (4) and meet the needs of residents during times when the resident feels vulnerable or is deemed by staff to be vulnerable.

The license holder may assign medically licensed staff and purchase the services of persons who are medically licensed to care for or treat residents of the opposite sex. However, if a resident

asks that a medically licensed person of the same sex perform the procedures in subitem (2), the license holder must provide same sex medically licensed personnel to perform the procedures in subitem (2). Medically licensed personnel must perform the duties in subitem (2).

When the requirements of this item are not fully met, the license holder must document the circumstances and reasons the requirements were not met and document what the license holder will do to prevent a recurrence of the failure to fully meet the requirements of this item. The documentation of failure to meet the requirements of this item and the description of what the license holder will do to prevent a recurrence of the failure must be kept on file at the facility for at least two years or until the next licensing renewal inspection, whichever period is longer.

E. The minimum number of staff who have direct contact that must be present and awake when residents are present is one staff person per 12 residents. At a minimum, one staff person per 25 residents must be present and awake at all times in the facility when residents are normally asleep.

F. Minimum staffing requirements for temporary holdover facilities are described in subitems (1) to (5).

(1) No person may be housed in a temporary holdover facility without at least one staff person on duty, awake, alert, and capable of responding to the reasonable needs of a resident in the facility.

(2) Staff must not be placed in positions of responsibility for the supervision and welfare of a resident of the opposite gender in circumstances that can be described as an invasion of privacy, degrading, or humiliating to the resident. Male staff must not supervise female residents except in activity areas and only when female staff are on duty and present in the facility. Female staff may supervise male residents, provided resident privacy is protected and visual and audio monitoring equipment is operating and constantly attended by other staff.

(3) One staff person may supervise up to four juveniles at one time, provided they are all of the same gender. Two staff persons are required to be on duty if five or more juveniles are being detained in a nonsecure temporary holdover facility.

(4) Staff supervising residents in a secure 24-hour temporary holdover facility must remain at their posts at all times. Staff must document residents' behavior at 30-minute intervals.

(5) In eight-day temporary holdover facilities having both secure and nonsecure detention beds, two staff persons must be on duty when five or more residents are being detained. If all detention beds are secure, a minimum of one staff person must be on duty during each shift.

G. The license holder must designate a person to coordinate volunteer services, if volunteers are used by the facility. The license holder must have a system for registration and identification of volunteers. Volunteers who have unsupervised contact with residents must have a background check. The license holder must require volunteers to agree in writing to abide by facility policies. Volunteers must be trained and qualified to perform the duties assigned to them.

H. The staffing plan must be appropriate for the program services offered to the resident and the condition of the resident. The license holder must consider the factors in subitems (1) to (9) when developing the staffing plan:

- (1) the age of the resident being served;
- (2) the resident's physical and mental health;
- (3) the vulnerability of the resident;
- (4) the resident's capacity for self-preservation in the event of an emergency;
- (5) the degree to which the resident may be a threat to self or others;
- (6) the risk of the resident absconding;
- (7) the gender of the resident;
- (8) the disability of the resident; and
- (9) the number and types of educational service programs offered or coordinated for the resident.

I. Physical plant features and characteristics must also be considered when approving the program's staffing plan.

J. Staffing plans must be readily available for each licensing inspection.

Subp. 4. **Personnel training.** The license holder must provide staff training.

A. The license holder must develop and implement a training plan for orientation and continuing in-service training programs for all employees and volunteers. The plan must enable personnel to improve their knowledge, skills, and abilities and promote awareness and appreciation of, and sensitivity to, the cultural background and needs of the residents served by the facility. The training and development plan must:

- (1) be documented and be descriptive of the course curriculum, methods of instruction, and objectives of instruction;
- (2) be reviewed annually and revised according to the facility's assessment of its training needs; and
- (3) include specific expectations regarding the amount of training time required for personnel in various positions.

B. The facility must offer orientation for new employees regarding agency objectives, resources, policies, and services. Employees must be oriented to the facility's goals, services, policies, and operational procedures; the cultural diversity of the service population; and the agency's relationship with the providing school district and other community resources.

(1) Staff employed in a long-term secure detention facility and in an eight-day temporary holdover facility must complete at least 24 hours of orientation training before working alone with residents. Other staff and volunteers must complete orientation consistent with their responsibilities.

(2) Staff employed in a 24-hour temporary holdover facility must complete the 24-hour juvenile care attendant workshop sponsored by the Department of Corrections during their first six months of employment. Volunteers or staff who have not completed the workshop, but have received and completed the required orientation training, may work alone on a shift.

C. Employees of a long-term secure detention facility who have direct contact with residents must complete a minimum of 40 hours of in-service training per year. One-half of the training must be skill development training. Staff of an eight-day temporary holdover facility must complete 24 hours of in-service training. Twenty-four-hour temporary holdover staff and other facility staff and volunteers must complete in-service training consistent with professional licensure requirements and responsibilities and the license holder's annual training plan.

**Subp. 5. Strip searches and resident-assisted searches; training.**

A. Staff conducting a strip search or resident-assisted search must receive annual training on trauma-informed techniques as follows:

- (1) learning basic information on trauma as follows:
  - (a) what trauma is and how it affects the brain and body;
  - (b) trauma-related symptoms; and
  - (c) conducting trauma-informed practices under subpart 6, item B;
- (2) practicing de-escalation techniques; and
- (3) communicating with residents respectfully and using verbal cues.

B. The commissioner of corrections must provide training guidance on trauma-informed techniques and post the guidance on the department's website.

C. The training under item A must be documented according to part 2960.0100, subpart 5.

**Subp. 6. Strip searches and resident-assisted searches; requirements.**

A. All strip searches and resident-assisted searches in facilities licensed by the commissioner of corrections must be conducted according to this subpart.

B. Staff conducting a strip search or resident-assisted search must:

- (1) tell the resident why staff must conduct the search;
- (2) briefly describe what will happen in the search;
- (3) ask the resident if they have any questions about the search;
- (4) ask the resident if staff can begin the search;

- (5) use verbal cues during the search and discuss each step of the search;
  - (6) tell the resident when the search is done; and
  - (7) ask the resident if they have any concerns and thank them for cooperating.
- C. A strip search and resident-assisted search must be conducted:
- (1) by a staff member of the same gender as the resident; and
  - (2) to protect the resident's privacy from other residents and from staff not conducting the search.
- D. A staff member must consult with a mental health professional or, if a mental health professional is unavailable, a medically licensed person before conducting a strip search if a resident with a known or suspected mental health diagnosis, history of sexual abuse, or other mental-health-related history identified in the resident's screening objects to the search.
- E. A strip search must be conducted one body half at a time, allowing a resident to choose whether to have the top or bottom half of their body searched first without having to be fully unclothed at any point during the search.

**Statutory Authority:** *MS s 241.021; 245A.03; 245A.09; L 1995 c 226 art 3 s 60; L 2023 c 52 art 11 s 34*

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