



NEW YORK CITY DEPARTMENT OF CORRECTION
 Human Resources
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**Human Resources Checklist
 Relating to Prison Rape
 Elimination Act (PREA) (2003)**

Instructions: Carefully review this document and provide the requested information and attestations. Signatures will be collected on your first day of employment.

CANDIDATE NAME

INTERVIEWER NAME

I, _____ was interviewed by _____

DATE

NAME OF POSITION

on _____ for the position of _____

28 CFR § 115.17: Hiring and Promotion Decisions

- a) The agency shall not hire or promote anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who -
 - 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - 2) Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - 3) Has been civilly or administratively adjudicated to have engaged in the activity described in paragraph (a)(2) of this section.
- b) The agency shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.
- c) Before hiring new employees who may have contact with inmates, the agency shall:
 - 1) Perform a criminal background records check; and
 - 2) Consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse.
- d) The agency shall also perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates.
- e) The agency shall either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees.
- f) The agency shall ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of reviews of current employees. The agency shall also impose upon employees a continuing affirmative duty to disclose any such misconduct.
- g) Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

The following questions are premised on PREA, 28 Code of Federal Regulations (CFR)§ 115.17: Hiring and Promotion Decisions. Each applicant's case is independently considered and evaluated based on the totality of the applicant's verifiable accumulated information; e.g. background checks, references, prior work experience, quality of interviews, etc., in relation to the duties and responsibilities of the position(s) for which the applicant applied.

