

## **SECTION 01 61 50**

### **DEPARTMENT OF HUMAN SERVICES – SUPPLEMENTAL PROVISIONS**

CONTRACTOR BEHAVIOR AND ACTIVITIES AT DEPARTMENT OF HUMAN SERVICES YOUTH DEVELOPMENT CENTERS, SECURE TREATMENT UNITS, YOUTH FORESTRY CAMPS, MENTAL HEALTH, AND STATE CENTERS

#### **PART 1 – GENERAL**

##### **1.1 STIPULATIONS**

- A. The Specifications Sections, " General Conditions of the Construction Contract ", "Special Conditions", and "Division 1 - General Requirements", form a part of this Section by this reference thereto, and shall have the same force and effect as if printed herewith in full.

##### **1.2 PERSONAL BEHAVIOR**

- A. Contractors are responsible for disseminating to their employees the special restrictions on personal behavior and the procedures/potential penalties for violations.
- B. Identification tags or badges to be furnished by the facility must be worn at all times while on facility property.
- C. Smoking, vaping, and tobacco products are not permitted in any facility building. Tobacco may be used only in designated areas.

##### **1.3 VEHICLES**

- A. Construction vehicles and employee's vehicles will be parked in an area designated by the Department and locked at all times. The license numbers of vehicles to be left overnight will be reported to the security office at the facility on a daily basis by the Contractors.
- B. Vehicles may not be operated or parked on any lawn areas, unless otherwise permitted.

##### **1.4 TOOLS**

- A. Tools shall be kept in a secure (locked) area when not in use and inventoried to insure complete and total accountability at the end of each shift. While being used, tools shall be kept in view or on person. Broken or non-usable tools are to be disposed of away from the facility property. Any missing tools are to be reported promptly to the Facility Maintenance Manager. Particular attention should be paid to tools, which may be used as weapons or instruments of escape. Special procedures will be developed with the facility's Maintenance/Engineering Department concerning cutting pliers, bolt cutters, hacksaws and welding or cutting equipment. UNDER NO CIRCUMSTANCES WILL CUTTING TORCHES OR WELDING EQUIPMENT BE LEFT INSIDE THE PERIMETER SECURITY ENCLOSURE (at facilities with enclosures) OVERNIGHT, ON WEEKENDS OR ON HOLIDAYS.
- B. Any trash or garbage that could present a health or safety risk to residents or staff must be safely disposed of by the Contractors. This includes, but is not limited to, nails, screws, metal material, etc.
- C. No ladders may be left upright and accessible to residents. If not in use, ladders must be taken down and secured. Scaffolding must be secured to guard against unauthorized use.

##### **1.5 WORK AREAS**

- A. All work areas are to be kept safe and orderly at all times.

- B. All doors are to be kept locked to ensure resident safety. Doors normally unlocked are excluded unless safety becomes an issue.
- C. Flammable liquids are not to be stored inside occupied buildings.
- D. Do not compromise Life Safety Code requirements without prior written consent of the facility's Safety Manager, who will develop and implement alternate plans.
- E. Facility supplies are not to be utilized by Contractors unless they are specifically spelled out in the Project Specifications.
- F. Contractors are to be aware of the locations of fire alarms, fire extinguishers and related equipment. The facility Fire Marshal is available to instruct the Contractors in the proper operation of fire safety equipment.

## **1.6 FRATERNIZATION**

- A. There shall be no fraternization or private relationships of Contractors' employees with residents. This includes, but is not limited to trading, bartering, or receiving gifts, money, or favors from the residents or the residents' friends, relatives, or representatives.
- B. In accordance with its zero tolerance policy, the Department prohibits all forms of sexual abuse and sexual harassment of juvenile in its facilities. The Contractor will comply with Department policy and with the Prison Rape Elimination Act of 2003 (PREA) and its regulation at 28 C.F.R. Part 115 Subpart D, Standards for Juvenile Facilities.

At a minimum, the Contractor will provide a copy of DHS's Zero Tolerance for Sexual Abuse and Harassment pamphlet to all staff members, including staff of subcontractors who have any contact with juvenile at the facility and will provide to the Department confirmation of each staff member's receipt and understanding of the pamphlet to any new staff that may be hired for the duration of the contract. Contractor staff members/subcontractors will not be permitted to provide services until completed sign-off forms are received for those individuals who may come in contact with juveniles at the facility.

The Department may require Contractor's staff, including that of subcontractors to undergo additional Department provided training on their responsibilities under the Department's sexual abuse and sexual harassment prevention, detection and response policies and procedure. The Department will determine whether additional training is required based upon the nature of contracted services and the level of contact with juveniles at the facility.

## **1.7 ALCOHOL AND CONTROLLED SUBSTANCES**

- A. Alcoholic beverages and controlled substances shall not be carried, stored, or consumed on facility property nor left in any vehicle.

## **1.8 GAMBLING**

- A. Gambling or wagering of any type is not permitted on facility property.

## **1.9 WEAPONS OR IMPLEMENTS FOR ESCAPE**

- A. Weapons or implements of escape (other than tools applicable in Paragraph 1.4) shall not be permitted on facility property. Non-compliance with this policy may result in criminal charges.
- B. Offense Defined - A person commits a 2<sup>nd</sup> degree felony if that person unlawfully introduces within a Youth Development Center, Mental Health Hospital, or State Center unlawfully provides a resident thereof with any weapon, tool, implement or other item which may be used for escape.

C. Definitions:

1. As used in this section, the word "unlawfully" means surreptitiously or contrary to law, regulation, or order of the detaining authority.
2. As used in this section, the word "weapon" means any implement readily capable of lethal use and shall include any firearm, knife, dagger, razor, other cutting or stabbing implement or club, including any item which has been modified or adapted so that it can be used as a firearm, knife, dagger, razor, other cutting or stabbing implement or club. The word "firearm" includes any unloaded firearm and the unassembled components of a firearm.

**1.10 CONTRABAND**

- A. Contraband shall not be permitted on facility property. Non-compliance with this policy may result in criminal charges. This may include, but is not limited to, cell phones and cameras. The contractor will check for an updated contraband list with local management prior to the beginning of the project.
- B. Contraband transferred by any means to confined persons is prohibited. A person commits a misdemeanor of the first degree if that person sells, gives or furnishes to any resident in a Youth Development Center, Mental Health Hospital, or State Center, or gives away or brings into any Youth Development Center, Mental Health Hospital, or State Center or any building appurtenant thereto, or on the land granted to or owned or leased by the Commonwealth for the use and benefit of the residents, or puts in a place where it may be secured by a resident or employee thereof, any kind of spirituous or fermented liquor, drug, medicine, poison, opium, morphine, or other kind of narcotics (except the ordinary hospital supply) without a written permit signed by a physician of such facility, specifying the quantity and quality of the liquor or narcotic which may be furnished to any resident or employee; the name of the resident or employee for whom it is prescribed; and the time when the same may be furnished, which permit shall be delivered to and kept by the superintendent of the facility.
- C. Money transferred directly to residents is prohibited. A person commits a misdemeanor of the third degree if that person gives or furnishes money to any resident of a Youth Development Center, Mental Health Hospital, or State Center, PROVIDED NOTICE OF THIS PROHIBITION IS ADEQUATELY POSTED AT THE FACILITY.

**1.11 SEARCH**

- A. Any person entering this facility is subject to a search of his or her person at any time. While the person may refuse, such refusal may be cause for denial of further entrance.

**1.12 ORIENTATION PROGRAM**

- A. The contractor must attend an orientation program covering security rules and regulations if required by the facility.
- B. If not required by the facility, the facility agrees to provide such an orientation program for covering security rules and regulations for the Contractors' personnel, if so requested.

**1.13 EMPLOYEE CRIMINAL RECORD CHECK**

- A. The Prime Contractor must obtain a criminal record check for all of its employees as well as the employees of Subcontractors or suppliers who will be required to enter the building as part of this project. If the Contractor is not a PA resident, an FBI background check is required.
- B. The criminal record check must be requested from the Pennsylvania State Police by completing a 'REQUEST FOR CRIMINAL RECORD CHECK' FORM and submitting it to the Pennsylvania State Police.

- C. All Prime Contractors are responsible for the costs incurred with the record check including the processing fee for all of their employees as well as the employees of Subcontractors or suppliers who will be required to enter the building as part of this project.
- D. The forms must be obtained directly from the Pennsylvania State Police.
- E. If the Criminal Record Check discloses a criminal record for a Contractor, Subcontractor or supplier employee, the Contractor shall not allow the employee access to the building, unless authorized by the Department.
- F. Contractors must submit the request for criminal record check to the Pennsylvania State Police with a copy to the Department not less than twenty-four (24) hours prior to individual starting work on the project.
- G. The Contractor shall provide each individual with a photo identification card or badge issued by the Contractor or Subcontractors. The identification card shall include the individual's name, address, telephone number, date of birth, driver's license number and date of issuance of the card.
- H. **LOYSVILLE YOUTH DEVELOPMENT CENTER:** Additional background checks are required at this facility to supplement the items described above. Additional information on the required clearances can be found on the Pennsylvania Department of Human Services website:

<https://www.dhs.pa.gov/KeepKidsSafe/Clearances/Pages/default.aspx>

- 1. A Child Abuse History Clearance from the Pennsylvania Department of Human Services is required for all contractors, sub-contractors, suppliers, and their collective employees who will be required to enter a building as part of this project.
- 2. An FBI background check is required for all contractors, sub-contractors, suppliers, and their collective employees who will be required to enter a building as part of this project, regardless of Pennsylvania residency.

## **PART 2 – PRODUCTS (Not Applicable)**

## **PART 3 – EXECUTION (Not Applicable)**

END OF SECTION