

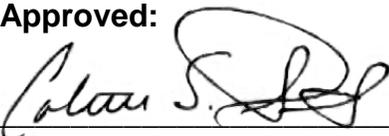


OREGON YOUTH AUTHORITY
Policy Statement
Part I – Administrative Services



Subject:

Administrative Rule, Policy, Procedure, and Protocol Development

<i>Section – Policy Number:</i> E: Information Management – 1.1		<i>Supersedes:</i> I-E-1.1 (07/07) I-E-1.1 (08/04)	<i>Effective Date:</i> 09/30/2011	<i>Date of Last Review:</i> 04/18/2016
Related Standards and References:	<ul style="list-style-type: none"> ▪ ORS 183 (Administrative Procedures Act) ▪ ORS 420A.025 (Rulemaking authority, general) ▪ OAR 416-001 (Rule Development) ▪ American Correctional Association, <i>Standards for Juvenile Correctional Facilities</i>; 4-JCF-6A-15 (Policies and Procedures) ▪ Oregon Attorney General’s Administrative Law Manual and Uniform Model Rules of Procedures Under the APA (2014) 			
Related Procedures:	<ul style="list-style-type: none"> ▪ None 			
Policy Owner: Rules and Policy Coordinator		Approved:  Colette S. Peters, Director		

I. PURPOSE:

This policy provides general standards for the development, review, revision, and repeal of OYA rules, policies, procedures and local operating protocols.

II. POLICY DEFINITIONS:

Administrative rule: “Any agency directive, standard, regulation, or statement of general applicability that implements, interprets, or prescribes law or policy,” (Oregon Attorney General’s Administrative Law Manual). Administrative rules have a nine-digit number displayed as follows “416-XXX-XXXX.” Administrative rules affect the public’s livelihood, clarify legislative policy, resolve conflicts within a statute or between statutes, or provide a legal framework within which the agency will operate.

Cabinet: An executive group that provides oversight to agency operations.

General procedure: Directives applicable to all OYA facilities, field offices, or work offices that direct staff in operational details and actions necessary to implement agency policies.

Local operating protocol: Directives applicable to a specific facility, field office, or work area that direct staff in operational details and actions necessary to implement policies or general procedures.

Plan of action: Policy Owner decision for no change, repeal, or revision of a policy.

Policy: Directives or guidelines issued by an agency to direct agency staff and to apply consistent standards of operation and public policy within state government. These directives support the mission, vision, goals and responsibilities of the issuing agency.

Policy Committee: OYA committee responsible for monitoring the agencywide rule and policy development, review, and implementation process as established by a committee charter.

Policy Owner: A Cabinet member or designated management position that reports directly to a Cabinet member who is responsible for reviewing, monitoring, and implementing a specific OYA policy.

Policy Review List: List of policies requiring a review two years after their effective dates.

Rules/Policy Coordinator: OYA staff member responsible for facilitating and coordinating the OYA policy and rule approval process.

Subject matter expert(s): Person(s) identified by a Policy Owner who is most knowledgeable to advise on a subject area.

Temporary rules: Emergency administrative rules that become effective upon filing with the Secretary of State's Office, and are effective for a period not longer than 180 days.

III. **POLICY:**

OYA administrative rules define the agency's interpretation of Oregon Revised Statutes (ORS) and the process the agency has developed to ensure its statutory authority is met. The rulemaking process must be followed when OYA institutes directives or processes that affect the public (including youth, youth family members, contractors, and volunteers).

OYA policy defines how the agency implements laws, administrative rules, and juvenile corrections standards in the workplace. OYA policy brings operational consistency throughout the agency by directing OYA staff to adhere to prescribed agencywide standards. OYA policy must be developed in a consistent manner to clearly communicate OYA's expectations and outcomes, and must include appropriate Policy Owners and subject matter experts in the development process.

IV. GENERAL STANDARDS:

- A. Rules and policies must reflect OYA's mission, core values, and juvenile corrections professional standards.
 - 1. OYA's mission is to protect the public and reduce crime by holding youth accountable and providing opportunities for reformation in safe environments.
 - 2. OYA core values include:
 - a) Integrity – As stewards of the public trust, we display ethical and honest behavior in all that we do;
 - b) Professionalism – We practice unwavering adherence to professional standards and perform our work competently and responsibly;
 - c) Accountability – We conduct our jobs in an open and inclusive manner, and take responsibility for the outcomes of our performance; and
 - d) Respect – We treat others with fairness, dignity and compassion and are responsive to their needs.
 - 3. Professional standards include, but are not limited to, American Correctional Association (ACA) standards and Council of Juvenile Correctional Administrators Performance-based Standards (PbS). If there is a conflict between professional standards and the proposed policy direction, the issue will be resolved by Cabinet.
- B. The OYA Policy Committee reviews all rule and policy proposals, workgroups, and implementation plans to ensure adherence to section A (above) and consistency in the development process.
- C. The Rules/Policy Coordinator is responsible for coordinating the agency's rule and policy development processes, including:
 - 1. Providing the Policy Committee with proposed rule and policy development topics.
 - a) The development process includes recommendations for adoption, amendment, or repeal of administrative rule and policy.
 - b) Staff or stakeholders may suggest topics for policy revision, development or repeal by contacting the Rules/Policy Coordinator.
 - 2. Coordinating Policy Committee meetings and work sessions;

3. Researching applicable laws, rules or standards that define the rule or policy topics;
4. Reviewing current practice within OYA and other agencies, if applicable;
5. Noting areas where practice and professional standards may deviate, and reviewing agency direction with the Policy Committee;
6. Convening workgroups, writing issue papers, or other targeted correspondence designed to define rule or policy;
7. Soliciting staff and stakeholder input, including providing drafts for review;
8. Filing necessary paperwork with the Secretary of State's Office;
9. Recommending staff policy training or implementation, and assisting in the development of appropriate curriculum or other media;
10. When necessary, recommending an expedited process that allows for more immediate rule or policy adoption; and
11. Publishing and distributing electronic copies of final rules and policies.

D. Administrative Rules

1. Administrative rules must be adopted, amended, or repealed according to the Attorney General's Administrative Law Manual and related state laws.
2. Administrative rules adopted after January 2005 must be reviewed no later than five years after the rule was adopted or last reviewed. The Rules/Policy Coordinator must coordinate the review.

The following factors must be considered in each review:

- a) Whether the rule had its intended effect;
 - b) Whether OYA overestimated or underestimated the rule's fiscal impact;
 - c) Whether subsequent law change require rule changes; and
 - d) Whether the rule continues to be necessary.
3. Notice of Administrative Rulemaking will be provided to members of OYA's mailing list of interested persons that have requested in

writing to be notified of OYA's intention to adopt, amend or repeal a rule, OYA staff, and agency stakeholders.

- a) The Rules/Policy Coordinator must maintain and update the mailing list as necessary.
- b) The Rules/Policy Coordinator must maintain a record of all mailings made regarding the notice of administrative rules to be adopted, amended, or repealed.

E. Policy Format

OYA policy will be formatted in a consistent style, as determined by the Rules/Policy Coordinator, to include the following items:

1. Page header, including:
 - a) State and OYA seal;
 - b) Indication of in which part of the OYA policy manual the policy is listed (Part 0, I, II, or III);
 - c) Official policy title;
 - d) Sequential section (letter) and number that identifies each policy;
 - e) Number and effective date of superseding policy (if applicable);
 - f) Date the policy becomes effective;
 - g) Date of the policy's most recent biennial review or revision (if applicable);
 - h) A reference section that notes applicable regulations, professional standards, OYA forms/policy or other materials to assist in the understanding of the policy topic;
 - i) Related procedures or local protocols;
 - j) Policy Owner; and
 - k) Approval signature of the Director.
2. At a minimum, the following sections:
 - a) Policy purpose statement;
 - b) Policy definition of terms, if necessary;

(1) This section will indicate “None” when appropriate.

(2) Definitions will be added to the OYA Glossary of Terms.

- c) Policy statement that introduces the policy and reflects the mission, vision, and values of the agency, including any philosophical statements or background that affirms the general agency operating standards;
- d) General standards or procedure section that constitutes the main body of the policy. This section will guide present and future actions, decisions and procedures and will address major operational or implementation issues. General standards and procedures should be reflective of applicable professional standards when appropriate; and
- e) Procedure or local operating protocol section that indicates if a general procedure or local operating protocol is required. If so, this section will delineate what topics the general procedure or local operating protocol must address.

F. Policy Implementation

Policies must be implemented in batches to avoid multiple, sporadic policy implementations. Only the Director may make exceptions to this standard.

- 1. Hard copy or electronic policy implementation packets, or iLearn policy information courses, may be distributed by the Rules/Policy Coordinator to appropriate supervisors or affected staff members and are designed for the group of staff (e.g. facility, community, all staff) the policies govern.
 - a) Policies that are catalogued and indexed as Part 0 and Part I are distributed to all OYA staff for implementation.
 - b) Policies that are catalogued and indexed as Part II are distributed to all facility staff for implementation.
 - c) Policies that are catalogued and indexed as Part III are distributed to all Community Services staff for implementation.
- 2. The Policy Coordinator must notify all staff of the policy implementation via e-mail announcement or intranet (OYANet) alerts.
- 3. Hard copy or electronic policy implementation packets, or iLearn courses may include:
 - a) An overview of the packet's or iLearn course contents;

- b) The policy(s);
 - c) Policy review materials;
 - d) Instructions on how to access computer-based reviews or other media regarding the policies;
 - e) Related forms; and
 - f) General procedures or local operating protocols (if applicable).
4. Each supervisor and staff must document their policy review according to the policy implementation instructions.

G. Expedited Policy Implementation

- 1. Only the Director may approve expediting a single policy implementation outside of a batch policy implementation.
- 2. The Rules/Policy Coordinator must notify all staff of the policy implementation via e-mail announcement or OYANet alerts. The announcement or alerts must contain instructions for implementation.

H. Agency administrative rules and policies will be maintained on OYANet by the Rules/Policy Coordinator. The Rules/Policy Coordinator will notify staff when new rules or policies are posted on OYANet, and when rules or policies are repealed.

I. OYA Policy Review Standard

Each OYA policy will be reviewed at least every two years from its effective date or most recent review date.

- 1. The Rules/Policy Coordinator will provide a quarterly list to Policy Owners projecting policies due for review in six months, including those past due. The Policy Review List will be maintained on OYANet.
 - a) The Policy Committee will monitor policy review status during its monthly meeting.
 - b) The Rules/Policy Coordinator will remind Policy Owners of policies lacking Plans of Action four months prior to the policy's review due date.
- 2. The Policy Owner must decide a Plan of Action, in consultation with a Subject Matter Expert when appropriate, and record the plan on the OYANet Policy Review List at least three months prior to the policy's review due date.

The Plan of Action must indicate one of the following:

- a) No change;
- b) Repeal; or
- c) Revision.

- 3. Policies that do not require revision as determined by the Policy Owner will reflect the current review date in the policy header.
- 4. Policies requiring revision may be subject to the development process described in section C of this policy.
- 5. Policies recommended for repeal will be reviewed by the Policy Committee for repeal or retention.

J. General Procedure and Local Operating Protocol Development

- 1. Agency areas may develop general procedures and local operating protocols. The purpose for these procedures or protocols may be to -
 - a) implement the provisions set forth in an agency policy; or
 - b) provide staff direction in the absence of administrative rules or agency policies.
- 2. General procedures and local operating protocols must be reviewed and approved by the appropriate Cabinet member, or designee, to ensure compliance with OYA administrative rules and policies.
- 3. Policy-related general procedures and local protocols will be reviewed for change by the procedure or protocol owner during the corresponding policy's review period or sooner.
- 4. General procedures and local protocols must be posted in OYANet on the procedure or protocol owner's site.
- 5. Procedure and Protocol Template

General procedures and local operating protocols must be formatted in a consistent template, as determined by the Rules/Policy Coordinator.

Templates are available on OYANet on the Procedure Site.

V. LOCAL OPERATING PROTOCOL REQUIRED: NO