

Oregon Department of Corrections Sustainability Plan 2013-2015 Biennium



**Department of Corrections
Collette S. Peters, Director
2575 Center Street
Salem, Oregon 97301-4667**

January 17, 2014



Oregon DOC Sustainability in Prisons Project



OREGON DEPARTMENT OF CORRECTIONS SUSTAINABILITY PLAN 2013-2015

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Oregon

John Kitzhaber, MD, Governor

Department of Corrections

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Sustainability in Oregon's Prisons

To fulfill our mission, the Oregon Department of Corrections must provide safe, secure correctional facilities for housing offenders convicted and sentenced by the courts. The operation of these correctional facilities requires, in effect, providing the same public services as those required in a small city: educational classrooms, laundry facilities, food preparation and serving areas, housing, administration, and religious services. Operating 24 hours a day through weekends and holidays requires us to continually look for better ways to provide this infrastructure.

The department recognizes the need for conservation and the efficient use of our resources every day. We are committed to being good stewards of the earth's natural resources and reducing impacts to the environment; reducing the cost of doing business; serving as examples for offenders to follow when they transition back to their communities; and assisting in making our communities healthier.

Over the past several years, the department has employed strategies such as reducing energy consumption, enhancing recycling efforts, and investing in gardening and composting. While we work to fulfill our mission, we are continually looking at new innovative approaches to sustainability. I am excited to share many of our current projects and our plan for the years ahead.

Sincerely,

Colette S. Peters
Director

Section I.

Department of Corrections Description

A. Introduction

The department's mission originates in the Oregon Constitution, amended in November 1996, to say, "Laws for the punishment of crimes shall be founded on these principles: protection of society, personal responsibility, accountability for one's actions and reformation." The department has adults in custody sentenced to prison for more than 12 months. Oregon houses approximately 14,300 offenders in 14 state prisons and employs approximately 4,500 staff. The institutions range in building dates from 1866 to 2007.

To further focus on safe communities, safe prisons, and a safe workplace, the department created the Oregon Accountability Model. This purposeful plan is designed to change offenders' criminal behavior - during incarceration and post-prison supervision - using evaluation, education, treatment, and work. It begins at the assessment phase during intake and affects offenders throughout incarceration, reintegration, and their time on community supervision. The department's mission of public safety, offender accountability, and crime prevention inspires the model.

In December of 2012, ODOC joined the Sustainability in Prisons Project (SPP) Network. An SPP-OREGON team was established to further focus on the SPP Networks goals of bringing science and nature into the facilities. An action plan was developed to better utilize our resources, bring on sustainability "green" vocational training programs, increase our habitat restoration projects, establish conservation/research projects, to increase sustainable operations, establishing partnerships with community stakeholders and increase sustainability education and awareness to our staff and the adults in custody. This plan also encompasses various directives that require ODOC to incorporate sustainability into its operations:

The Oregon Sustainability Act was adopted by the Oregon Legislature in 2001 ([ORS 184.421](#)) and provides state agencies with 10 objectives for conducting their internal operations and 10 objectives for carrying out their missions to support sustainable communities. Further, it created the Oregon Sustainability Board to provide oversight to sustainability efforts in the state.

[Executive Order 06-02](#) ("Sustainability for the 21st Century") re-energized the sustainability agenda in the state by reaffirming the agency sustainability planning process and creating several interagency teams to address specific sustainability initiatives such as greenhouse gases, purchasing, electronic waste, and energy.

[Executive Order 12-03](#) promotes diversity and inclusion opportunities for Oregon minority-owned, women-owned and emerging small businesses.

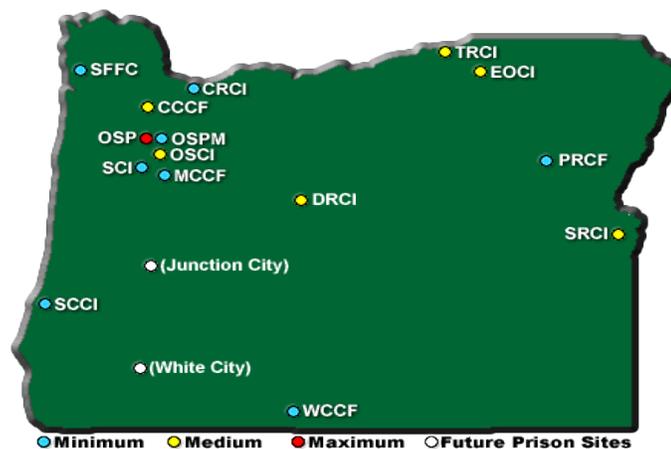
[Executive Order 12-05](#) (“Fostering Environmentally-Friendly Purchasing and Product Design”) to reduce toxic chemicals of concern in Products procured by Agencies and realize the economic, environmental and public health benefits of Green Chemistry principles.

The [10-Year Energy Plan](#) was implemented on December 14, 2012 by Governor John Kitzhaber. It is a comprehensive plan that outlines strategies to meet energy efficiency, renewable energy, greenhouse reduction and transportation objectives.

B. ODOC’s Sustainability Mission Statement

The Oregon Department of Corrections is committed to the sustainability and stewardship of our natural resources and environment.

C. An overview of DOC’s Prisons



Oregon State Prisons

Coffee Creek Correctional Facility (CCCF), Wilsonville
Columbia River Correctional Institution (CRCI), Portland
Deer Ridge Correctional Institution (DRCI), Madras
Eastern Oregon Correctional Institution (EOCI), Pendleton
Mill Creek Correctional Facility (MCCF), Salem
Oregon State Correctional Institution (OSCI), Salem
Oregon State Penitentiary – Minimum (OSPM), Salem
Oregon State Penitentiary (OSP), Salem
Powder River Correctional Facility (PRCF), Baker City
Santiam Correctional Institution (SCI), Salem
Shutter Creek Correctional Institution (SCCI), North Bend
Snake River Correctional Institution (SRCI), Ontario
South Fork Forest Camp (SFFC), Tillamook
Two Rivers Correctional Institution (TRCI), Umatilla
Warner Creek Correctional Facility (WCCF), Lakeview
Central Distribution Center (CDC), Salem near OSP, Recycle Center Hub

Section II.

Sustainability Goals

DOC will focus on short-term and long-term goals around the SPP plan, sustainable operations, sustainable construction, maintenance and energy conservation, procurement practices, education and training to staff and adults in custody. By implementing and promoting sustainable practices through-out the department, we will create a culture of positive environmental awareness for both staff and adults in custody.

A. SPP Plan:

Our department is being innovative by engaging adults in custody in nature programs and providing job skills through sustainable practices to aid in successful reentry into society. These strategies encompass maintaining partnerships with organizations that better serve Oregon communities and assist stakeholders that work with endangered species and native plants for habitat restoration projects.

Program Component	Short Term Plans/Goals <i>(1 to 3 years)</i>	Long Term Plans/Goals <i>(3 or more years)</i>
Science and/or Sustainability Lecture Series	<ul style="list-style-type: none"> ▪ Complete four science lectures at CCCF in 2014 ▪ Expand science lectures to six facilities 	<ul style="list-style-type: none"> ▪ Have a funded traveling lecture series to all facilities so all classifications of inmates have opportunities with science and nature education opportunities
Conservation/Research Projects	<ul style="list-style-type: none"> ▪ Identify and expand endangered native plant starts to five facilities ▪ Grow Viola Adunca host plants at CCCF to feed caterpillars (endangered Oregon Silverspot butterfly) at the Oregon Zoo ▪ Grow sagebrush plants for habitat restoration for the endangered Sage Grouse at SRCI ▪ Expand reforestation tree planting from 300,000 to 500,000 (increase SFFC crews involvement to 50% of trees replanted) ▪ Maintain SFFC partnership with 	<ul style="list-style-type: none"> ▪ Have several facilities involved with conservation efforts for endangered species or native plants ▪ Expand nature imagery program to six facilities ▪ Assist with establishing written protocols and program development for other state prisons to implement habitat restoration projects. This will be in collaboration with the Institute of Applied Ecology (IAE) ▪ Increase our collaborations with community groups and non-profit organizations to promote education opportunities to have

	<p>ODFW for Trask Hatchery with Salmon rearing and release operations</p> <ul style="list-style-type: none"> ▪ Develop and maintain 100 acres of DOC land in Salem as a conservation easement ▪ Develop and maintain 100 acres of DOC wetlands in Junction City ▪ Identify a Westside and Eastside work crews for restoration projects ▪ Expand nature imagery program to three facilities ▪ Identify an endangered species for rearing projects (butterflies, Western pond turtles or Oregon spotted frog) 	<p>our adults in custody give back to the community</p>
<p>Science and/or Sustainability Job Training/Certificate Programs</p>	<ul style="list-style-type: none"> ▪ Have six facilities identified for Roots to Success environmental literacy and job readiness program ▪ Expand Sustainable Gardening Classes to 11 facilities and provide volunteers to facilitate the programs ▪ Identify medium facility for aquaponics program so they have opportunities for certifications/education opportunities with nature/science ▪ Create Recycling 101 Program in collaboration with OSU ▪ Expand Oregon Food Bank's Seed to Supper Program to eight additional facilities ▪ Find partnerships with green business to provide certified training for offenders when they reenter society for job placement priority ▪ Expand Sustainable Gardening classes to 10 facilities to increase certification of offenders ▪ Have certification program for aquaponics in place ▪ Establish a land restoration crew and provide certifications 	<ul style="list-style-type: none"> ▪ Have several different vocational training/certified programs for inmates throughout our facilities ▪ Sustainable gardening classes at all 14 facilities ▪ Partner with community colleges to bring on a Renewable Energy Certificate program ▪ Create a Master Recycling program ▪ All 14 facilities with gardens have the Seed to Supper Program implemented ▪ Expand Roots of Success to 10 facilities ▪ Expand Apiculture apprenticeship program to 6 facilities ▪ Introduce a journeyman certificate Apiculture program to 2 facilities ▪ Establish green job fairs for adults in custody to learn career pathways and explore job readiness opportunities for ease of reentry

	<p>to maintain conservation easement and wetland site</p> <ul style="list-style-type: none"> ▪ Increase sustainability jobs to all facilities and have job descriptions in place for experience towards certifications/job history for reentry job placement. ▪ Implement Roots of Success environmental literacy curriculum to 6 facilities ▪ Develop an Apiculture (beekeeping) apprenticeship program for 2 facilities 	
<p>Bringing Nature into Prisons</p>	<ul style="list-style-type: none"> ▪ Develop and implement an Ecopsychology program with Lewis & Clark College ▪ Expand nature imagery project at SRCI Special Housing Unit and bring on another facility ▪ ADA garden in place at CCCF ▪ Apiculture (beekeeping) apprenticeship program at two facilities ▪ Have a unit at a medium facility painted in nature imagery and research the behavior modifications towards the non-nature imagery general population units ▪ Develop a horticulture therapy program with a non-profit organization 	<ul style="list-style-type: none"> ▪ Establish enough quantitative research to support implementing nature imagery, extension of Ecopsychology program, ADA gardens and horticulture therapeutic programs to four facilities ▪ Have a horticultural therapy program that involves job placement with non-profit when the adult in custody reenters society

B. Sustainable Operations:

The department recognizes the importance of reducing the generation of solid waste, conservation efforts, and efficient use of our resources in its day-to-day operations. By developing a strategic recycling plan and updating policy will ensure the department meets these sustainability goals. DOC is committed to sustainable operations to protect our environment, save taxpayer money, and model positive practices to the adults in custody.

Program Component	Short Term Plans/Goals (1 to 3 years)	Long Term Plans/Goals (3 or more years)
Sustainable Operations	<ul style="list-style-type: none"> ▪ Create a database to track recycling ▪ Have two aquaponic greenhouses operational on external farmland with Marion-Polk Food Share ▪ Have our Central Distribution Center (CDC) fully operational as a Recycle Center to collect all recyclables from the prisons ▪ Have fabric/textile recycle program in place to repurpose fabrics ▪ Have food waste recycling and composting implemented at eight facilities ▪ Have Green Teams implemented at all facilities ▪ Have gardens established in all facilities ▪ Pilot a “Meatless” alternative menu option into the four-week menu cycle. ▪ Reduce waste by 50% at all facilities ▪ Have 600 acres of farmland in production to donate 75% of produce to Food Banks for feed the hungry (1000 acres total 	<ul style="list-style-type: none"> ▪ Reduce waste by 75% at all facilities ▪ Have all facilities involved with food waste recycling and composting ▪ Have twenty aquaponic greenhouses in operation with Marion-Polk Food Share ▪ Reduction of water consumption after BOD/TSS 10% goal achieved ▪ Add sustainability language to position descriptions ▪ Have sustainability as a standing agenda item at management and operational team meetings ▪ To decrease water consumption have facility landscaping be 50% native plants (drought tolerant) ▪ Each facility target 10% of their utility vehicles to be on alternate fuel ▪ Strategic placement of EV stations at 5 facilities

	<p>when implemented)</p> <ul style="list-style-type: none"> ▪ Have a Recycle Center in place on the Eastside of the state ▪ Have a community garden established at one facility or DOC farmland ▪ Establish baselines for solid waste at each facility ▪ Complete waste audits at each facility ▪ Establish baseline of BOD/TSS contaminates per facility ▪ 10% surcharge reduction of BOD/TSS contaminants going to sewer ▪ Work with County Sustainability Offices to get facilities certified for sustainable business practices in waste reductions, recycling and responsible purchasing 	
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C. Sustainable Construction, Maintenance and Energy Conservation:

The design and construction alternatives for projects within the department's existing and new prisons have an impact on the local community and environment. The department will incorporate energy conservation opportunities, use of recycled products, and limit environmental impact to the extent possible.

Program Component	Short Term Plans/Goals (1 to 3 years)	Long Term Plans/Goals (3 or more years)
Construction and Maintenance	<ul style="list-style-type: none"> ▪ Meet KPM of 20% reduction in non- renewable resources in existing buildings (natural gas and electricity) through construction/retrofits by 2015 ▪ Reduce Green House Gas (GHG) emissions by 5% ▪ New construction and major renovations 20% above Silver LEED standards 	<ul style="list-style-type: none"> ▪ Identify cost effective retrofits to meet 100% of new electricity growth ▪ Reduce GHG emissions 10% by 2020 ▪ Reduce GHG emissions to 75% below 1990 levels by 2050

<p>Energy Conservation</p>	<ul style="list-style-type: none"> ▪ Create an department energy team ▪ Joined the Strategic Energy Management Cohort with Energy Trust (3 year program): <ul style="list-style-type: none"> ○ Identify strategies to save .02 cents per kilowatt ○ Identify strategies to save .20 cent per thermal ▪ Develop an strategic energy management plan ▪ Establish baseline for energy consumption at each facility ▪ Complete energy audits at each facility ▪ Use performance tracking tools to monitor and track results ▪ Identify and prioritize activities and opportunities that reduce energy use and enhance building performance ▪ Expand energy policy to identify resource conservation and cost saving measures in department 	<ul style="list-style-type: none"> ▪ Reduce natural gas and electricity by 15% through resource conservation and quarterly audits of energy policy ▪ Have energy teams established at each facility ▪ Engage vendors and other relevant third-party resources in our energy-savings goals
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D. Procurement:

To reduce our waste and environmental impact can be obtained through strategic purchasing and focusing on environmentally responsible products and services. A procurement policy will need to be implemented to ensure the department supports markets for recycled goods and other environmentally preferred products and services. Procurement personnel will need to ensure that these products and services are cost effective; meet short term and long term goals; reduce toxicity; conserve natural resources; materials and energy; and need to maximize recyclability and recycled content.

Program Component	Short Term Plans/Goals (1 to 3 years)	Long Term Plans/Goals (3 or more years)
Purchasing	<ul style="list-style-type: none"> ▪ Develop Environmentally Preferred Purchasing (EPP) policy ▪ Procure environmentally preferable products and services where criteria have been established by governmental or other widely recognized authorities ▪ Integrate environmental factors into the department's buying decisions <ul style="list-style-type: none"> ○ Packaging of products recyclable ▪ Raise staff awareness on environmental issues affecting procurement through relevant information and training ▪ Provide training for Business Administrators on how to identify and purchase EPP products ▪ Utilize statewide contracts to encourage suppliers and contractors to offer environmentally preferable products and services at competitive prices ▪ Encourage providers of services to consider environmental impacts of service delivery ▪ Purchase 30% recycled content paper ▪ Reduce paper usage by 20% 	<ul style="list-style-type: none"> ▪ Purchase 100% recycled multi-purpose paper ▪ All purchased paper products are 100% chlorine free ▪ Reduce paper usage by 40% ▪ Facilitating multi-stakeholder workshops to address product and service impacts ▪ Facilitate training for sustainability procurements to engage staff/stakeholders ▪ Identify innovative renewable solution ▪ Develop a "tool set" to formulate and implement activities for sustainability-based policies and programs ▪ Develop needs and action methods to evaluate different strategies of implementation that best suits ODOC's goals ▪ Identify ways to increase communication and encourage department coordination ▪ Develop a set of sustainability metrics and indicators to evaluate the effectiveness of plans/policies ▪ Coordinate evaluation methods between departments and constituencies to evaluate the achievement of objectives ▪ Mentor members to adopt resource efficiency, environmental management systems, and other sustainable tools

<p>Green Chemistry</p>	<ul style="list-style-type: none"> ▪ Implement standardized “Green” purchasing list for office supplies and chemicals <ul style="list-style-type: none"> ○ Green list required to be used by employees ○ Establish red list of chemicals not allowed to purchase ○ Have all janitorial chemicals purchased from CDC Warehouse to ensure institutions have current approved green chemicals ○ Comply with all environmental legislative and regulatory requirements in the procurement of products and services ○ Incorporate green chemistry into procurement policy ▪ Provide education and awareness to staff and adults in custody 	<ul style="list-style-type: none"> ▪ Developing sustainable procurement and supply chain strategies ▪ Assess the sustainability impacts of products and service lifecycles ▪ Develop strategy and policy for disposal of hazmat waste ▪ Support continuous improvement through forward-thinking, collaborative, goal-oriented, non-technology-specific regulations and/or incentives that can be adapted as sustainable technologies evolve
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E. Education and Training:

DOC is an innovative and creative workforce. By focusing on training and education opportunities in sustainable practices will promote our goals and programs. Allowing staff to focus on environmental and resource efficiencies will help achieve cost savings and role model expected outcomes for the adults in custody to emulate. Engaging our staff through the green teams, in-service and program involvement will provided environmental responsibility and sustainable operational practices.

Program Component	Short Term Plans/Goals (1 to 3 years)	Long Term Plans/Goals (3 or more years)
Education Awareness and Training	<ul style="list-style-type: none"> ▪ Have green teams engaged with the education awareness to provide monthly/quarterly training opportunities through newsletters and email ▪ Introduce sustainability goals and programs in department in-service 2014 ▪ Create sustainability training module in iLearn ▪ Create a sustainability induction program for new staff ▪ Have 50% of staff complete sustainability training module ▪ Share sustainability information to staff newsletters and adults in custody newsletters ▪ Communication plan for sustainability ▪ Provide incentives and recognition programs for sustainability efforts 	<ul style="list-style-type: none"> ▪ 100% of staff completed sustainability training

Section III.

Internal Practices and Policies

ODOC is resourceful and innovative with reuse, repurposing and recycling of commodities to divert waste from going into the landfill. These are some of the department's well-established practices internal to operations (i.e. turning of lights, double-siding paper, etc.):

- Sustainable practices in place:
 - All printers default to double-sided printing
 - Scanners are connected to printers to save faxing and copying
 - Most correspondence is electronic to save paper
 - Use hybrids for perimeter patrol vehicles
 - Enterprise Print Services project- removal of desktop printers and all printing done through networked multifunction machines
 - Lease out farm land to non-profits and local farmers
 - DOC Recycle Center Plan (See Appendix A)
 - Participating in paperless system for paystubs and checks
 - Telemate/VIP Kiosks and MP3 program- adults in custody utilize kiosks for ordering canteen, filling out electronic forms, send/receive emails, pictures, video interactive phone calls, song downloads, wall posts to share information with friends and family, etc... (See Appendix B)
 - Reduction of inmate forms by half
 - Receipts saved electronically on MP3 player
 - Removal/Reduction of CD's and other canteen items
 - Visitation down by 25% in some facilities
 - Less mail coming in and out of mailrooms across the state
 - Communicate through wall posts with friends and family (Gettingout.com)
- Employee equity, affirmative action and diversity, as well as strategies to engage employees in internal programs:
 - Affirmative action policy (20.4.1) and diversity- See Appendix C
- Procurement practices that support minorities, women and emerging small businesses (MWESB) or qualified rehabilitation facilities
 - The MWESB program requires public and state agencies to awarding contracts to businesses certified as minority owned, woman owned or as an emerging small business. See Appendix D
- Policies in place that address sustainable practices or support DAS or other agency plans (i.e. 100% PC paper, follow DAS resource conservation policy, etc.):
 - Agency is developing policy to guide land management practices for maintenance and restoration for a 100-acre parcel in proximity to one of our institutions.

- Submit the sustainability section from your budget narrative as appendix to this plan:
 - DOC has language imbedded in our Purchase Orders and contracts (ITB)- (Appendix E)

Section IV.

External Practices and Goals

- These are well-established practices that reach beyond your agencies internal practices to create a more sustainable Oregon (i.e. electronic renewals for permits, etc.):
 - Oregon Vendor Outreach - **PREFERENCE FOR OREGON GOODS AND SERVICES:** ODOC prefers Oregon Goods and Services, and for evaluation purposes, ODOC shall apply a five percent (5%) preference for Oregon Goods fabricated or processed entirely in Oregon or Services performed entirely in Oregon. This percentage shall be deducted from the total price submitted by the Bidder. This price reduction shall be for evaluation purposes only and shall not be reflected in the pricing incorporated into the awarded Bid.
- Affirmative action diversity, community service and engagement:
 - See Appendix C
- Mission-related goals, policies or programs that address ecological, economic and social goals (i.e. maintaining and restoring Oregon's water, forests, and native fish and wildlife resources, enhancing economic sustainability, and addressing social equity issues):
 - The QRF program requires all public agencies in the state of Oregon to buy QRF products or services when they meet the needs of the public agency. See Appendix F
 - The Recycle Center at CDC Warehouse is responsible for overseeing the environmentally responsible disposal of e-waste and recycle commodities through QRF's and vendors that are awarded the contract for each commodity. (Appendix A)
 - The Reuse Center at CDC Warehouse has two aisles full of surplus furniture available for your work space needs. Each piece of surplus furniture received is inventoried. CDC has hundreds of items from small/large conference tables, accent tables, and all types of desk/office/conference chairs, work stations, file cabinets, book cases, white boards, desk organizers, utility cabinets and miscellaneous office supplies. All reuse furniture and office supplies are free and include free shipping and handling to your work location by our CDC trucks. Any items that cannot be sent to property surplus or repurposed will be recycled responsibly. (Appendix A)



Appendix A

Recycle Plan

DOC Recycle/Reuse Center Plan:

The Central Distribution Center (CDC) will become the recycle/reuse center for the DOC. To prevent what is going in the landfill, CDC will be taking these items from the facilities:

- Cardboard
- Ballistic vests
- Batteries
- 5-gallon plastic buckets
- Plastics and clear shrink wrap film (must be triple rinsed and clean of contaminants)
- Fabric/textiles (must be clean clothing)
- Shoes
- Foam
- Wood
- Paper
- Lead
- Brass
- Florescent bulbs and ballasts
- E-Waste: printers, key boards, monitors, CD's, mouse, printer cartridges, any appliance with cord (except those that have gas/Freon)
- Metals (from Reuse Center)
- Ballistic Vests
- TerraCycle Brigades:
 - Chip bags (including Ramen bags)

DOC has an opportunity to increase sustainable operations by adopting a few simple changes through education and changing operational practices. The Sustainability Office is committed to reducing the department's carbon footprint. By monitoring our garbage receptacles, removing and tracking recyclable and compostable materials, we can reduce the volume going to landfills. Because we are a large workforce of over 4500 employees in 14 facilities, everyone's involvement will reduce our agencies impact on the environment.

The principal of the DOC's Recycle-Reuse plan is to remove all reusable, recyclable and compostable materials from our garbage stream. By selling our allowable commodities, it will enable the Sustainability Office to create a sustainability fund. This fund will help pay for the cost of e-waste and hazardous waste disposal that comes back from the facilities. Institutions that use CDC will be eligible to take part of the sustainability fund. If revenues are generated then institutions will be notified so they can submit proposals for ideas to improve sustainable operations. Proposals will be due by November 1st and a steering committee will approve to disperse funds in December of that year.

DOC is an environmentally responsible partner and will diligently monitor our behaviors in the area of waste management. We will remove all allowable recyclable and compostable materials from our waste steam thereby reducing volume sent to landfills.

Recyclables at all facilities will be separated from general landfill waste. These captured commodities will be weighed for tracking purposes and entered into a database. Items will either be picked up at individual facilities by vendors or transported to the CDC recycling center by warehouse vehicles

returning from deliveries. Food items will be continually safeguarded from contamination. CDC will be considered the main hub of recycling activity, holding quantities for market for those facilities not generating enough volume on their own. Food waste, when possible, will be composted. As a department, we can make a difference by reducing environmental impacts by better sustainable operations.

The Reuse Center will be expanded at CDC. There are two aisles full of surplus furniture available for your work space needs. Each piece of surplus furniture received is inventoried. CDC has hundreds of items from small/large conference tables, accent tables, and all types of desk/office/conference chairs, work stations, file cabinets, book cases, white boards, desk organizers, utility cabinets and miscellaneous office supplies. All reuse furniture and office supplies are free and include free shipping and handling to your work location by our CDC trucks. Any items that cannot be sent to property surplus or repurposed will be recycled responsibly. For more information on the Reuse Center:

The online catalog on the U Drive - [U: General Services/Property Control/Furniture & Office Supply Inventory/Re-use Furniture](#). The inventory file is updated every Wednesday & Friday by CDC's Property Control staff.



Appendix B

Telemate Project

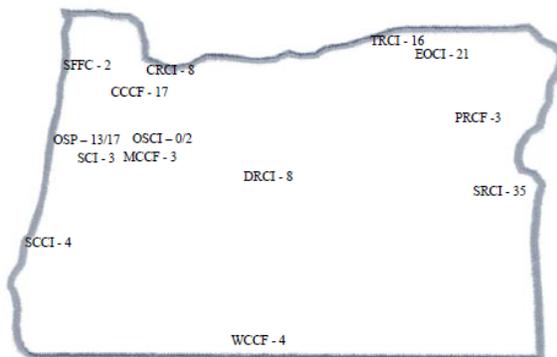


Project Status Update

Infrastructure

Telmate Staff

137 Statewide Kiosk Placements



Comments:

13 VIP units have been installed and are now live at OSP.

OSCI to go live by the end of November.

Note: OSCI Kiosks are not currently live.

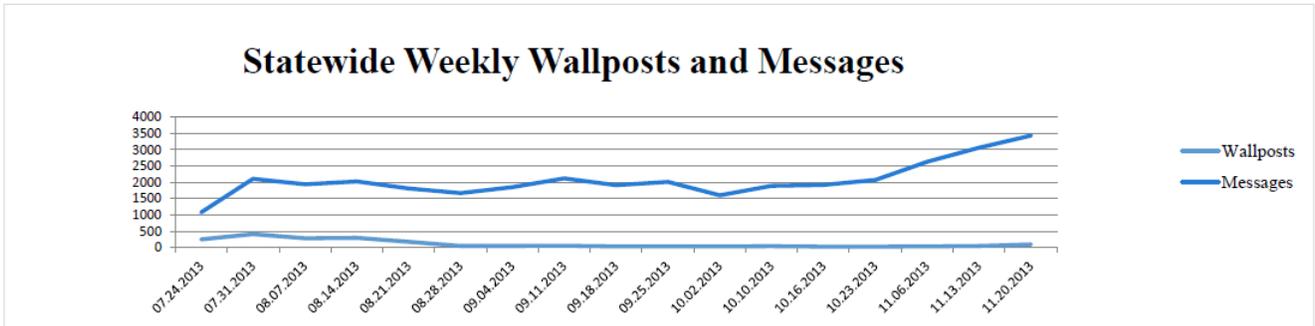
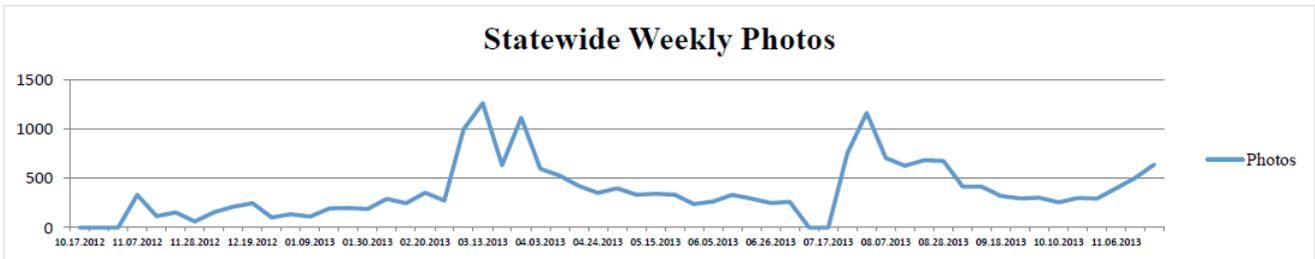
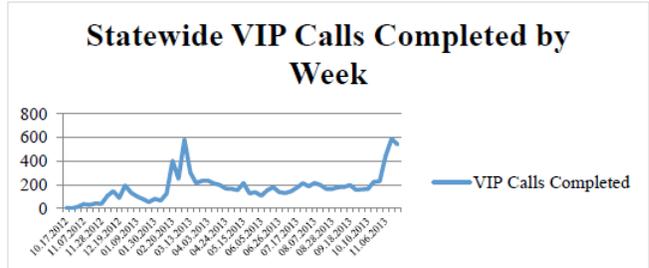
New Technologies

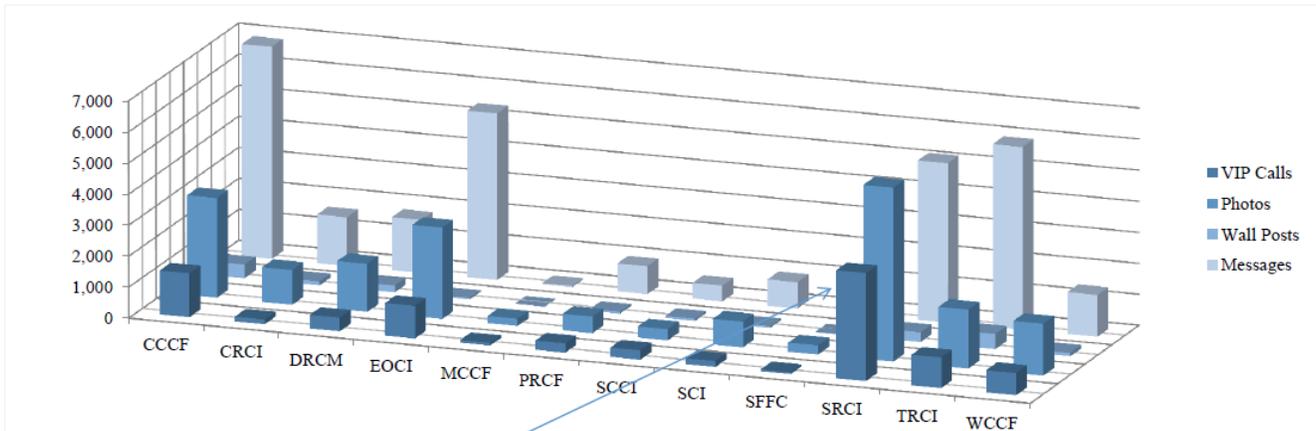
The Electronic Forms Pilot Program began August 20th at CCCF, CCCM, CRCI, DRCI, SCI, SCCI, SFFC, MCCF and WCCF.

- Oct 22-25: An instructional video was filmed that will be used to educate Adults in Custody on the use of electronic forms. Commissary staff was able to preview the work in progress and expressed that they are impressed with the production.
- Batch print & reply development has been completed which has helped to expedite the processing of electronic requests.

Statewide Weekly Report 11/20/13

VIP Completed Calls	↓ 46 from last week	542
Photos:	↑ 137 from last week	643
Wall Posts:	↑ 45 from last week	101
Messages:	↑ 367 from last week	3,431





SRCI accounts for **41%** of all VIP visits (4,849).

Overall Statewide Total:

VIP Calls	12,057
Photos	21,471
Wall Posts	2,108
Messages	36,437



Across the US, Adults in Custody are connecting with Friends and Family (F&F) in **37 states & 356 cities** outside of Oregon.

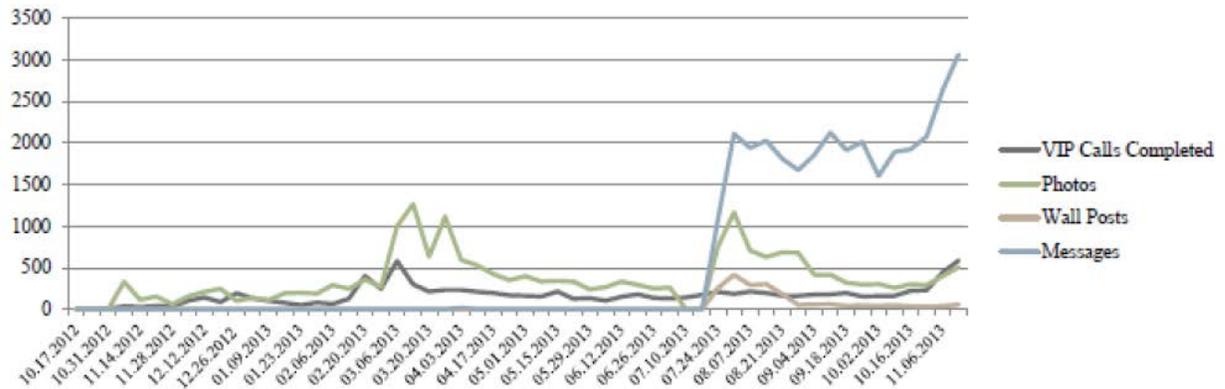


Across Oregon, Adults in Custody are connecting with F&F in **47 cities**.



Internationally, Adults in Custody are connecting with F&F in **Australia, Belgium, Brazil, Canada, England, Germany, India, Mexico, Netherlands, Peru, and Scotland**.

Telmate Milestones



Oct 2012
SRCI & WCCF pilot program

Nov 2012
CCCF goes live

Feb 2013
CRCI, DRCM, MCCF, PRCF, SCCI, SCI, SFFC goes live

Mar 2013
EOCI goes live.
VIP Calls soar to 582. Photos hit highest at 1265.

July 2013
TRCI goes live
Telmate introduces Photos (for sharing) Messages and Wallposts

Nov 2013
OSP goes live

Jan 2013
VIP Calls total 1,351
Photos total 1,636

July 2013
VIP Calls total 8,019
Photos total 14,296

Sep 2013
Wallposts total 1,627
Messages total 14,622

Nov 2013
Messages hit high of 3064 & VIP Calls are at 588

Nov 2013
Telmate reduces prices by 50% for the holidays

BE Nov 21 2013

Video Interactive Phone Calls (VIP) Misconducts

Brianna Elisara

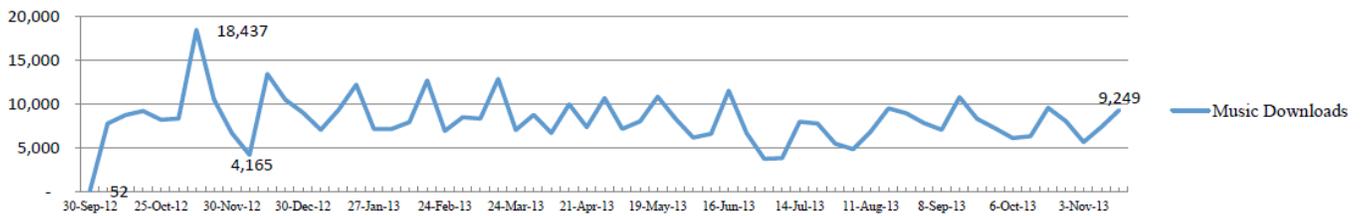
Institution	Photos	Wall Posts	Messages	VIP Calls	Misconducts	%
CCCF	3436	497	8555	1831	3	0.16%
CRCI	1184	134	2050	194	0	0.00%
DRCI	1626	231	1940	513	1	0.19%
EOCI	3066	53	6425	1250	3	0.24%
MCCF	233	0	41	107	0	0.00%
OSCI	0	0	0	0	0	0.00%
OSP	249	35	223	57	0	0.00%
PRCI	568	65	1032	339	1	0.29%
SCCI	379	68	624	341	1	0.29%
SCI	872	53	939	222	3	1.35%
SFFC	313	16	93	70	0	0.00%
SRCI	5792	326	6039	4849	11	0.23%
TRCI	2056	518	6952	1242	3	0.24%
WCCF	1697	112	1496	1042	3	0.29%
Totals	21471	2108	36409	12057	29	0.24%

**Percentage of misconducts is calculated using the total number of misconducts reported divided by the total number of VIP calls.*

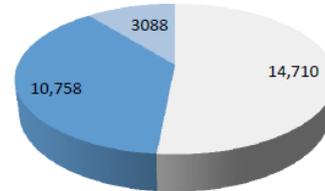
Dates	Player QTY	Song Downloads
9/10/12 – 6/30/13	2,605	333,244
7/1/13 – 11/17/13	483	147,958
Total	3,088	481,202

Weekly Report (11/11/13 – 11/17/13)
 MP3 Players Sold: (↓ 1 from last week) 2
 Music Downloads: (↑ 1,908 from last week) 9,249

Weekly Music Downloads

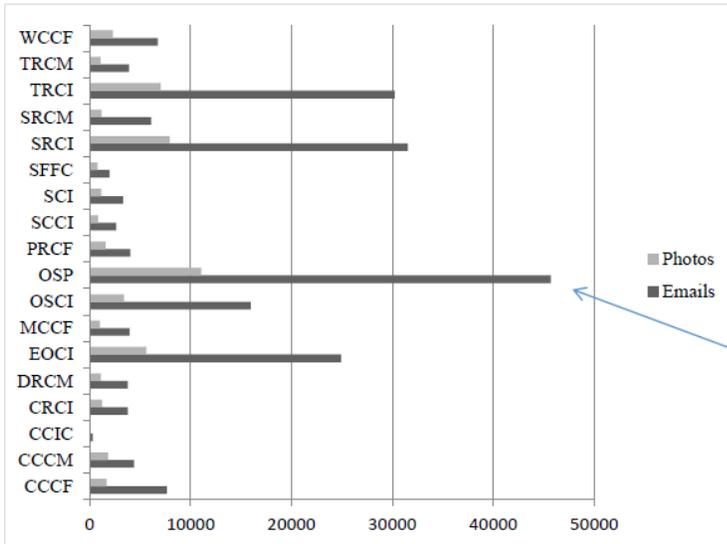


29% - The number of Adults in Custody who are incentive eligible (73% of ODOC population) and own an MP3 Player.



■ Adults in Custody ■ Incentive Eligible ■ Owns MP3 Player

*Incentive / Adults in Custody (AIC) population information collected Nov 7, 2013. Note: 335 AIC's do not have an active incentive level.



Statewide Totals by Location

Statewide Weekly Report (11/11/13 – 11/17/13)

Emails: (↓ 380 from last week) 4,877

Photos: (↓ 343 from last week) 5,968

Overall Statewide Total

Emails: 205,570

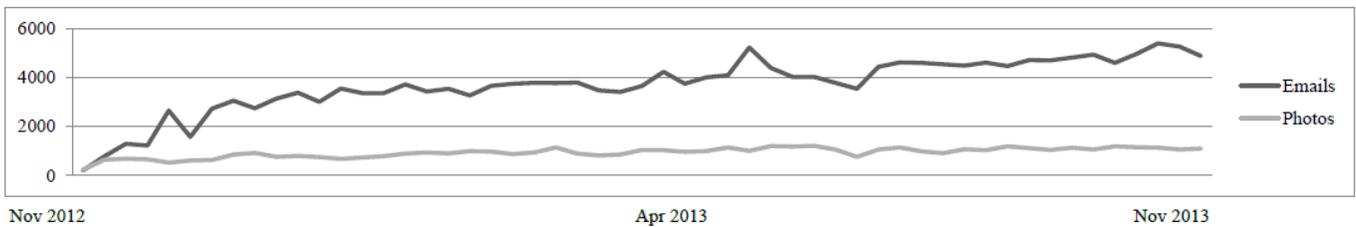
Photos: 51,630

1173 - The average number of emails OSP

Adults in Custody send and receive per week

7/1/13 - present

Emails & Photos : (Nov 2012 – Present)



MP3 Issues/Concerns:

- *The Nationwide Secure Mail outage that disrupted delivery service has been resolved. We sincerely apologize for the frustration that this has caused the Adults in Custody, as well as staff and administration.*

Ann E. Hogan



Director of Business Development

The commissary test lab setup is coming together. The lab is a collaborative effort under Jon's guidance, and testing is expected to begin on Monday Dec. 2nd.

Commissary

Statewide, there has been agreement on all order forms (including special housing). In addition to deciding on the items below (see comments for revised quantity limit), it was also decided to standardize quantity restriction limits on envelopes in IMU and segregation and to exclude envelopes from weekly spending limits which will have a huge impact.

Statewide Commissary Order Form Discrepancies (GP)

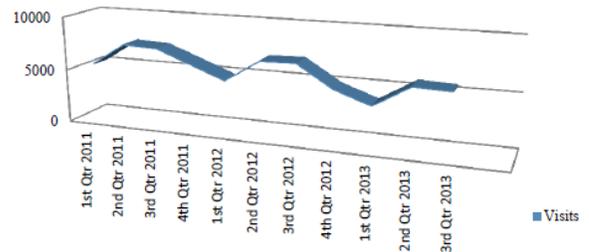
** = Quantity limit or item not indicated on order form*

ITEM	LOCATION															Comments
	CCCF	CRCI	DRCI	EOCI	MCCF	OSCI	OSP	PRCF	SCI	SCCI	SFFC	SRCI	TRCI	WCCF		
Bakery Items	10	5	*	*	*	*	*	*	*	*	5	*	*	7	12	
Batteries	*	8	*	*	*	*	*	*	*	*	*	*	*	*	Unlimited	
Black Universal	*	*	*	*	*	*	*	1	*	*	*	1	*	*	Unlimited	
Clear Storage Pencil /	*	*	*	1	*	*	*	*	*	*	*	*	1	*	Unlimited	
Clear Universal	*	*	*	*	*	*	*	1	*	*	*	1	*	*	Unlimited	
Cotton Swabs	*	*	*	*	*	*	*	*	*	*	*	*	2	*	Unlimited	
Ice Cream	*	1	*	*	1	*	*	*	1	*	5	*	*	3	5	
Ink Pen	*	*	*	2	*	*	*	2	*	*	*	2	*	*	Unlimited	
Ivory Soap (3 pack)	*	*	*	1	*	*	*	1	*	*	*	1	*	*	Unlimited	
Legal Storage	2	2	2	2	2	2	*	2	2	2	2	2	2	2	2	
Pencil Sharpener	*	*	*	1	*	*	*	*	*	*	*	*	1	*	Unlimited	
Pencil w/ Eraser	*	*	*	2	*	*	*	2	*	*	*	2	*	*	Unlimited	
Poncho/Rain	*	*	*	*	*	*	*	*	*	*	*	*	1	*	Unlimited	
Raisins	*	*	*	*	*	*	*	*	*	*	*	*	1	*	Unlimited	
Razor "Products"	*	*	*	*	*	*	2	*	*	*	*	*	*	*	Unlimited	
Razor Handle	*	*	*	1	*	*	*	1	*	*	*	1	*	*	Unlimited	
Razor Refills	*	*	*	1	*	*	*	1	*	*	*	1	*	*	Unlimited	
Religious Storage	1	1	1	2	1	1	1	1	1	1	1	1	1	1	1	
Soap	*	*	*	5	*	*	*	3	*	*	*	3	5	*	Unlimited	
Socks	*	*	*	7	*	*	*	7	*	*	*	7	2	*	Unlimited	
Soda Coupons /	*	15	10	*	*	15	*	25	*	*	15	25	*	*	25	
Soup	*	*	*	*	*	*	*	48	*	*	*	48	*	*	Unlimited	
Spoon	*	*	*	5	*	*	*	*	*	*	*	*	*	*	Unlimited	
Sugar Cubes	2	2	2	*	2	2	1	*	2	2	2	*	1	2	2	
White Head band	1	1	1	*	1	1	1	1	1	1	1	1	*	1	1	
Wiccan Ceremonial	1	1	1	2	1	1	1	1	1	1	1	1	2	1	1	

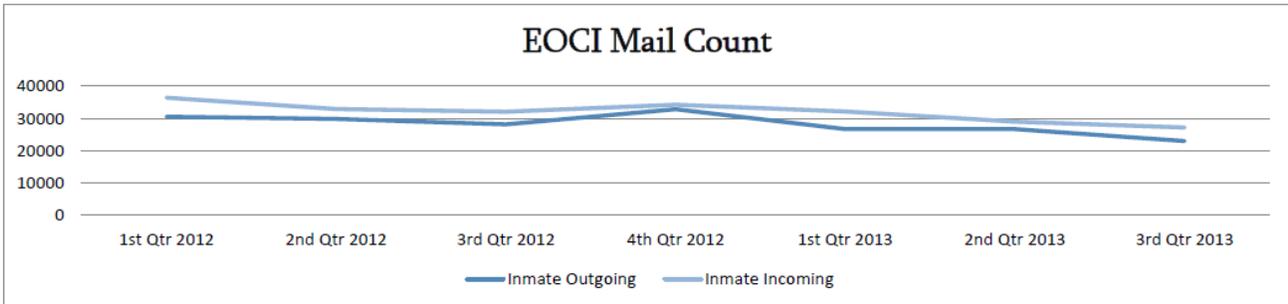
Statewide Visitation Comparison by Quarter

1 st Quarter		2 nd Quarter		3 rd Quarter	
2012	2013	2012	2013	2012	2013
57761	55289	65448	612479	68019	59476
↓ 2472 4.28%		↓ 4201 6.42%		↓ 8543 12.56%	

SRCI Visiting



EOCI Mail Count



- EOCI received **15.15%** less mail July-Sept 2013 compared with July-Sept 2012.
- On average, EOCI has been receiving **13%** less mail (when comparing 1st, 2nd, 3rd Qtrs. 2012 & 2013).

Interface and Conversion Notes

- Incentive Levels from DOC 400 - 2 units info pending
- JPAY offender IDS with leading zeros
 - what happens if JPAY begins receiving stripped zeros (do not pursue at this time)
 - what happens if KCN strips leading zeros on inbound JPAY (JJV to pursue)
 - what happens if KCN does not send the inmate info - no programming change/no change to JPAY relation with ODOC
- Property Control - no update
- Business Continuity - no update
- CIS Screens - Use Hyperion to query SQL server archive of Keefe Data
- OCE - file imported and awaiting review
- Mock Conversion - Verification - looking to January for completion of testing
- Data Conversion TAG Archive - can receive files
- Commissary stock item Load - compare new contract items with Tag and update TAG(Friday) / use updated TAG list to update Keefe List
- Product Pictures for Kiosk - in process

Phone IVR Setup

Back-end setup - expected completion mid-December 2013

- Connect Telmate ODOC Phone Network to Keefe IVR source - Brandon S / Telmate
- Configure agency credentials for web services connections between phone IVR source and Order Request Platform - Brandon S

Front-End Setup - expected completion mid-January 2014

- Configure and test information exchange for inmate info and item/pricing info - David Smith
- Configure and test the commissary platform for receiving and processing Phone Order Requests - David Smith

Future Tasks Pending Development:

- Verification Station - Include inmate Locations Block, Tier, Cell
 - [Estimate in process](#)
 - Pending Approval - 80-hr Estimate forwarded to Gen Contractor for approval
 - Pending Development - expected in ~~Dec-2013~~
- POS - Remove Receipt Print for Kiosk Orders when POS is enabled
 - [Design in process](#)

- [Estimate in process](#)
- Pending Approval – 80-hr Estimate forwarded to Gen Contractor for approval
- Pending Development – expected in Dec 2013
- Maximize Commissary
 - [Development in progress](#)
 - QA completed – expected to be installed in Dec 2013
- Broke / Fix - Purchase Payment – Error Unselecting PO, awaiting fix to implement
 - Pending Development – expected in Dec 2013
- Broke / Fix - Resident Merge – need updated bind file to resolve timestamp error
 - Pending Development – expected in Dec 2013
- Broke / Fix - Edge Kiosk – Return to same page after entering item quantity or cancelling
 - Pending Development – expected in Dec 2013
- Secure Mail Report Enhancement - Customer has approved the Requirements Document.
- Secure Mail Rejection Messaging Communication Management - Tracey has completed the Requirements document. Dave will do the technical review and write the design specs.
- Secure Mail Collate Messages and Photos by inmate during print processing - Tracey completed the Requirement document. It is waiting on a tech review.

Communications

- A communication was sent to Keefe users regarding Citrix password maintenance.
- A staff communication regarding various components of the project is being drafted.

Testing

Testing continues. Hugh has submitted orders and is working on documenting the processes involved. During the weekly commissary meeting, it was noted that the receipt was not printing items that were rejected. Diane has run several tests on the priority coding and has identified areas of concern such as coding for Adults in Custody on Ad Seg status.

Reports

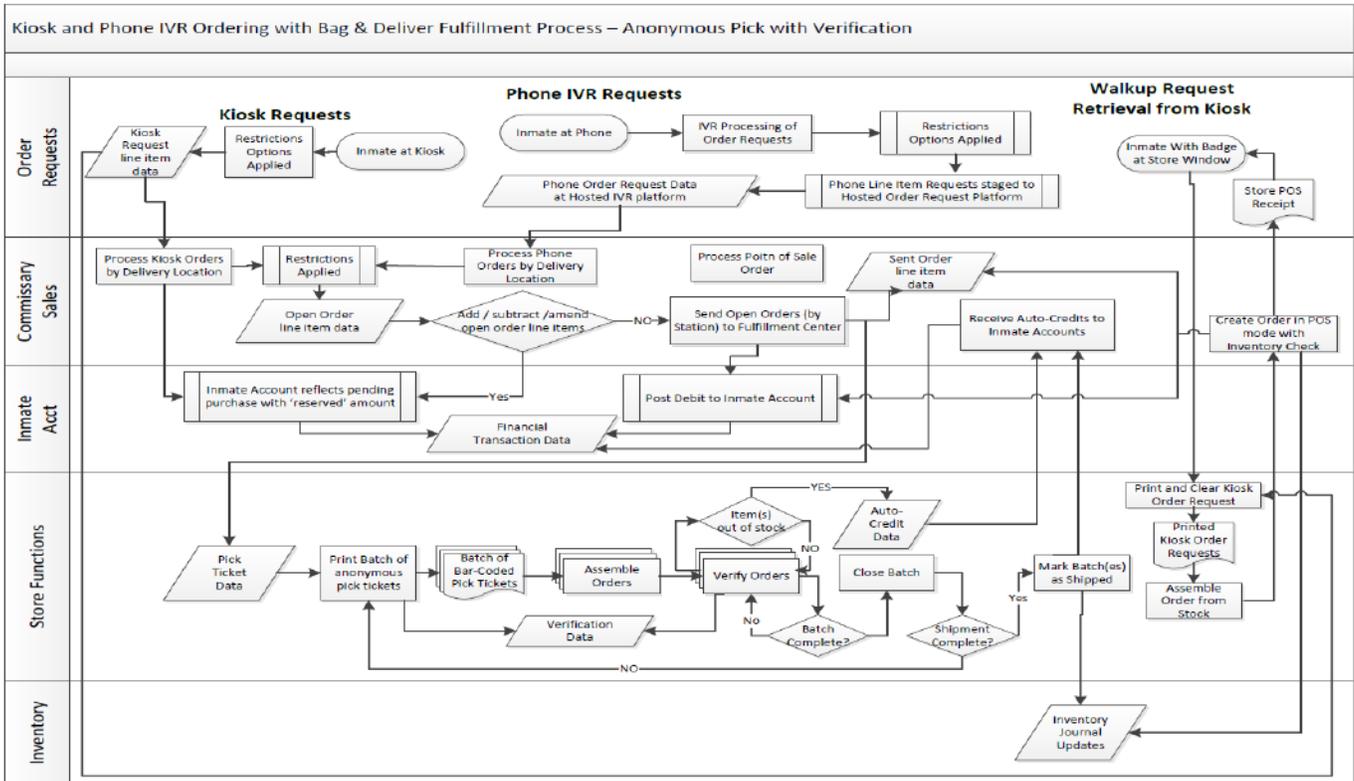
Jon Dufrene

We continue to use the Go Live Task List shared each week by John and Jennifer to clarify the status of the Trust and Commissary software. The Keefe information is discussed by DOC staff to determine if we have what we need to perform a given task within the software. It creates an opportunity to ask questions and gain clarification from Keefe. There are also times when Keefe needs something for DOC to go to the next step.

This report will be reviewed weekly prior to Thursday's Project Status Meeting.

Also on the "report" front, Keefe has delivered significant options in the Keeprak report generator that DOC staff will be meeting next week to review. There appears to be lots of flexibility in report generation, which can also add to greater complexity.

Deployment





Appendix C

Affirmative Action Policy 20.4.1

Department Affirmative Action Policy

Each year all managers are required to review DOC's Equal Employment Opportunity/Affirmative Action policy. A memo from the Department director is also sent out to all managers and posted on employee bulletin boards annually affirming the agency's commitment to EEO and Affirmative Action (AA) as well as the Department's commitment towards a work environment free from hostility, harassment or any type of discrimination.

	DEPARTMENT OF CORRECTIONS		
Human Resources			
Title:	Equal Employment Opportunity and Affirmative Action	DOC Policy: 20.4.1	
Effective:	02/24/12	Supersedes: NA	
Applicability:	Applicants State Employees		
Directives Cross-Reference: DAS Policy 105-40-001			
Attachments: None			

I. PURPOSE The department is committed to achieving a workforce that represents the diversity of Oregon and being a leader in providing fair and equal employment opportunity for all interested applicants and its employees.

II. POLICY

A. Supervisors shall insure:

1. Equal employment opportunities are afforded to all applicants and employees by making employment related decisions that are non-discriminatory.
2. Employment practices are consistent with the state's Affirmative Action Plan and state and federal laws to:
 - a. Promote good faith efforts to achieve established department affirmative action goals, which include persons with disabilities;
 - b. Take proactive steps to develop diverse applicant pools for position vacancies and assess the diversity of an applicant pool prior to closing a job announcement; and
 - c. Make a good faith effort to have diverse representation on screening and interviewing panels to include representation of employees outside the work

unit doing the hiring.

- B. Persons who believe they have been subjected to discrimination by the department in violation of this policy may file a complaint with the department's Human Resources Division within 30 calendar days of the alleged act, upon knowledge of the occurrence, or when the person should have known.

III. POLICY CLARIFICATION

- A. Employment related decisions include, but are not limited to: hiring, promotion, demotion, transfer, termination, layoff, training, compensation, benefits, and performance evaluations.
- B. Diverse applicant pools are developed by using proactive steps in outreach strategies which generally include targeted newspapers, professional organizations, employee networks, community organizations, and resume banks.
- C. The Department of Administrative services statewide automated affirmative action system establishes goals for each EEO category and ethnic group for the Department of corrections.
- D. Nothing in this policy precludes any person from filing a formal grievance/complaint in accordance with a collective bargaining agreement, or with the state's Affirmative Action Office, the Bureau of Labor and Industries, or the Equal Employment Opportunity Commission.

IV. IMPLEMENTATION

This policy shall be adopted immediately without further modification.

A. Agency Diversity & Inclusion Statement

The Department of Corrections, including, all staff and volunteers believes that diversity and inclusion are essential and critical to successfully achieving the Department of Corrections mission. This is a business imperative that is required for the Department of Corrections as we continue to grow and build new institutions in new communities. Corrections staff, and volunteers must reflect all of the different cultures that proudly make up our State

We remain deeply committed to promoting and maintaining an environment that is respectful of all persons despite differences in age, citizenship, disability, ethnicity, gender identity or expression, geographic origin, language, marital status, nationality, race, religion, sexual orientation, or socioeconomic status. Every employee will have an equal opportunity to contribute in significant ways to the effectiveness of the organization. Our employees will be highly regarded for valuing others and promoting the right of every person to reach his or her full potential; that means integrating our values into our daily interactions and behaviors.

B. Training, Education and Development – Education Overview

Due to the current budget limitation training in the Agency has been curtailed to mandatory training. The Department of Corrections Professional Development Unit is developing training alternatives that will still meet the needs of the organization without cost. Through WebEx, computer based training, and mini trainings.

New Employee Orientation (ongoing)

The department offers 40-hours of New Employee Orientation (NEO) program to all employees new to the department along with prior employees who have been away from the department for two years or more and full-time contractors. The NEO program is designed to provide new employees base-line information on the mission, vision, values, concepts, principles, policies and rules of the agency, focusing on the Oregon Accountability Model. Selected functional units, such as Inmate Workforce Development, Security Threat Group Managers, and Emergency Response Managers provide information pertaining to their responsibilities. Skill-based training such as CPR and First Aid is also included. Newly hired staff are expected to successfully complete the NEO program within their trial service period. Additionally, custody series staff are expected to complete the DOC NEO before attending the Department of Public Safety Standards and Training (DPSST) Basic Corrections Academy.

Annual In-Service (limited to 8 hours)

Each annual 40-hour training program is designed to meet the training requirements for both custody and non-custody employees and contractors. The programs design is based on employee surveys, focus group results, outside regulatory agency requirements, and training need assessments, and the program's design and presentation is intended to further the department's mission and goals while strengthening teamwork and communication among and between staff and functional units.

Preparation for Supervision (suspended)

This 32-hour National Institute of Corrections course effectively serves as an introduction to supervisory concepts and is designed for those staff who might be seen as or who want to be considered for the next generation of department management.

Management In-Service (suspended)

Each year a variety of subjects are delivered which are specific to the needs and duties of department management employees. This 16-hour intensively interactive course provides participants with a standard set of knowledge and skills focusing on leadership and decision-making, communication, management of security, legal issues, ethics, and personnel procedures.

Contractor Orientation (ongoing)

This one-day program, specifically designed for the part-time contractor (less than 20 hours per week), provides the information needed for them to work within the department in a manner that is both safe and constructive for the worker, the inmates, and other staff with whom they will have contact. The program includes presentations on work-place safety, professional conduct, working with inmates, including special-need inmates, and institution security practices and protocols.

Director's Academy (suspended)

The Director's Academy is a one-week long training for management service employees. The agency Executive Management Team, including the director, deputy director, and assistant directors, are the presenters of these leadership classes.

Development and Leadership Work Plan (LWP)

At the start of each new performance evaluation cycle, all ODOC managers/supervisors meet with their subordinate staff for a performance evaluation and review of the past year, and develop new goals and objectives for the coming year. The LWP can be integrated into that cycle or can be customized for each staff member at a mutually agreed upon time during the year.

The purpose of this work plan is two-fold:

- **To further career growth.** ODOC is committed to helping each employee reach his/her full potential. Exploring and discussing career aspirations and goals with subordinates is part of a supervisors job, but should also come at the behest of any member of the DOC staff interested in career development.
- **For succession planning purposes.** ODOC is committed to preparing staff for future appointments to key positions in the department by offering appropriate training and development activities. If the employee is in a career path, or interested in future appointment to one of the departments key positions, he/she should be advised about the type of knowledge, skills, abilities and leadership qualities management will be looking for in the candidate field. The training and activities should relate to helping the candidate master those requirements in an effort to become as competitive as possible for those future leadership opportunities.

A set of leadership qualities each candidate should possess in order to be successful for key positions follows. Not every target group contains key positions, but all are valid career paths.

Volunteers

There are currently about 2100 active volunteers who come in regularly to provide service to the incarcerated. They come from every race, socio-economic background, religious/spiritual tradition, educational background, marital status, sexual orientation and culture. Men and women are almost equally represented as volunteers. Their common bond is the desire to make a difference.

Each volunteer is required to complete a self-paced training module and four hours of classroom training. The training emphasizes the need to treat everyone with respect and to treat all inmates the same. Religious volunteers are taught that they may not discuss any religious/spiritual tradition but their own. They must refer questions about another tradition to a volunteer from that tradition. Volunteers are made aware that there is a prison culture and how to be effective within that culture.

Quarterly, we publish a Volunteer Newsletter. The purpose of the newsletter is to continue training through targeted articles. The last issue in 2007 featured an article written by the wife of a Hispanic inmate in which she talked about the effects of incarceration on her and her children. The 1st Quarter 2008 newsletter dealt with mental illness in our inmate population. The third quarter newsletter presents the issue of children of incarcerated parents.

It is the goal of the volunteer program to recruit volunteers who best meet the needs of the

incarcerated without respect to race, gender, culture, sexual orientation or religious/spiritual background. It is also our goal to promote understanding and tolerance.

C. Programs

Recruitment Programs

Interview Panels Managers and selecting officials will make every reasonable effort to ensure that interview panels are diverse. The department will ensure both hiring and promotion panels, where practical, have membership composed of racial/ethnic and gender diversity. In order to maintain some neutrality for hiring and promotions to management and executive level positions, the panel should include at least one member from outside the functional unit where the vacancy exists. The department provides a Supervisor's Recruitment Guide for hiring managers that delineates the appropriate process for selecting and setting up interview panels.

Newspaper Advertisements In an effort to reach a broad range of job applicants, staff in Human Resources Recruitment and Background Investigations may place ads for vacant positions in major local newspapers within the state such as The Oregonian, The Statesman Journal, The East Oregonian, The Eugene Register Guard, The Hermiston Herald, the Argus Observer, Malheur Enterprise, Baker City Herald, The Record Courier, La Grande Observer, and the Democrat Herald, just to name a few. Newspapers designed to reach all populations will be used. These publications include EL Hispanic News and the Goal Latino for Hispanics; The Asian Reporter for Asians; The Skanner and The Portland Observer for African Americans. Provided there are sufficient funds, national papers published by minority organizations, such as EOE Journal and Affirmative Action Register, may be used as well. Note: Advertisements will be placed when economically feasible.

Online The department will use on-line web sites such as SHRM, Salem News, Craig's List and Monster.com to broaden the range of job applicants.

Job Information Fairs The department will participate, when financial and staffing resources permit, in a multitude of job fairs held around the state focusing on women, people of color, and people with disabilities.

College/University Career Days Employees of the department will attend college and university career days and job recruitment functions, as staffing and finances allow. Each institution will make staff available to attend career days held at community colleges and universities located in their geographical area of the state. Recruitment and Career Services staff has visited with various schools throughout the state.

The department School-to-Work Coordinator coordinates the agencies participation in the School-to-Work week in April that invites students to accompany their parents to work. There is participation throughout the department in providing student with career exploration activities.

Slide Show The department has developed a new slide show showing staff working in some of the primary institutions and in the administration. The slide show is an information tool for showing at career days and job fairs.

Policies The Human Resources staff will ensure that the department's formal, written procedures on selection includes statements to the effect that appointing officials are to seriously consider gender and ethnic status in hiring and promotion decisions where positions exist which are seriously under-represented and the affirmative action goal in this plan has identified this particular job group.

Vacancy Type and Order Where affirmative action goals have been established for the particular classification and representation remains clearly below parity standards, the first priority when considering the type of application to develop, is open competitive. The second would be for advertising the position as a statewide vacancy. Managers should justify reasons to open announcements that are limited to agency promotions. There are a considerable number of potential applicants in the state labor force with work experience in public safety occupations. The diversity of candidates will be increased considerably by opening up the majority of announcements to job applicants in the public arena.

Applicants with Disabilities Job applicants with severe disabilities work with a Job Match Coordinator at the Department of Administrative Services, or a Vocational Counselor to learn of job openings through the H.I.R.E. Program. The H.I.R.E. Program maintains a database of qualified applicants with disabilities and provides it monthly to agencies for their consideration. The department has facilitated numerous referrals from the H.I.R.E. Program. Recruitment staff meets with Vocational Rehabilitation Counselors regularly to discuss department openings. Additionally, the Recruitment and Career Services staff provides informational interviews to applicants with disabilities interested in qualifying for department career opportunities.

SB 822 Veteran's Points: SB 822 established the manner in which state agencies provide preference to qualifying veterans or disabled veterans in scored or un-scored employment application processes. (ORS 408.225-235)

In order to be in compliance of SB 822 both the recruitment unit and the hiring manger's have responsibilities.

Recruitment Unit:

In the initial application screening, the recruitment unit determines if applicants are eligible for veterans or disabled veterans preference points. Eligible veterans will have the appropriate points designated upon the certification list you receive.

Hiring Manager:

Hiring Managers review their certification lists to determine who they will be interviewing.

In a scored screening, the Veterans points must be taken into consideration when determining where to cut off the certification list.

In a non-scored screening, all Veterans are interviewed.

Community Organization Outreach: The department will maintain a list of minority and women's organizations around the State. For vacant positions showing a serious under- representation of

women or minorities, the Recruitment and Career Services Unit will mail job announcements to appropriate community organizations, if they are not getting state vacancy lists or announcements from HRSD, recruitment.

Contact with organizations representing the special interests of people of color will be maintained by having staff from the department attend group meetings and conferences. In addition, the intent is to have senior staff represented at key, influential and large statewide organization conferences which address minority community and employment issues.

Staff will pursue the opportunity to meet personally with officials representing minority organizations.

Training Programs

The Department spends a considerable amount of resources on staff training. In making decisions as to who will attend training other than mandatory DOC training, women, people of color and/or people with disabilities will be considered if that career field is clearly under-represented by members of protected classes or if it will enhance the prospects for career advancement and if it provides the Department with an employee developing a needed job skill.

Leadership/Supervisor Training: The Department has developed a Director's Academy leadership training program and is developing a new supervisor training program to be called Management Basic Training. Topics to be covered in the new supervisor training will include affirmative action, diversity, and ADA issues. The leadership training program covers a broad range of subject matter and includes a focus on interpersonal relationships and valuing others. An online resource titled the Human Resource Quick Reference Guides speaks to the topics of Cultural Competency as well as provides links to both the Department's AAP and the State of Oregon AAP, and will be published in 2009.

In-Service Training: Annual in-service training includes a segment on valuing others.

DOC Strategic Initiative-Cultural Competency: The Department has identified Cultural Competency as a Strategic Initiative. A work group has been formed to further promote the work of the AAP. A major part of this work group's plan in promoting Cultural Competency is a strong training effort.

Work Environment Programs

The department will continue to develop ways to maintain a positive and supportive work environment to benefit all employees and the department relative to equal employment opportunity, affirmative action and cultural diversity.

Emphasis will be placed on the importance of the department's Promotion and Maintenance of a Respectful Workplace policy, which prohibits harassment and discrimination in the workplace.

Exit interviews: In order to determine if there are problems, patterns, or trends affecting women or minorities in a disparate manner, an exit interview process has been implemented. The results of these exit questionnaires will be reviewed by the Recruitment and Career Services Administrator and will be reported to the Executive Management Team members and functional unit managers as needed.

Other Programs

Reports: The department's Affirmative Action Officer will review affirmative action goals and the progress of the entire department, on a quarterly basis. This person will develop and distribute to managers a report based on the DAS Affirmative Action Progress Report, summarizing workforce statistics, on a semi-annual basis.

Correctional Officer Hiring Trends: Since correctional officer hiring represents the largest volume, entry level position in the department, a study has been implemented to track selection trends. The test criteria were reviewed to determine if inequities or bias exists for members of protected classes. Data gathered provides numbers and percentage of women and people of color who apply, the numbers which failed the entrance exam, the number interviewed, the numbers and percentage of women and people of color who failed the interview, the pass/fail rate for background checks and the pass/fail rates of physicals. The numbers and percentage of women and minorities who were hired will also be determined. If there is sufficient data and enough staff time, a follow-up study will be done to determine how many of these hires completed trial service as a correctional officer. This study will follow the "Uniform Guidelines on Employee Selection Procedures" of the Equal Employment Opportunity Commission (29 CFR 1607).

Position Descriptions: As position descriptions are written and/or revisions made, conditions which might limit or restrict people with disabilities from consideration will either be eliminated or will be clearly justified on the basis of essential duties and basic requirements of the job. Only where there are bona fide requirements should duties be identified which might limit people with disabilities from consideration. Human resources analysts, classification and recruitment staff are to work closely with managers and supervisors to ensure that position descriptions are not inadvertently biased against people with disabilities. Position descriptions of all managers in the department will include affirmative action language.

Bilingual Pay Differential: The department will continue to utilize certain staff members to provide language skills for communication and translation purposes. The position description must clearly specify this duty in order to receive pay differential.

Additional staff members need to be identified who have these skills and who can provide translation services. Since a large portion of the inmate population speaks Spanish and languages other than English, there are important safety and security reasons to expand the number of staff members who can exercise these special skills. In the future, the department will consider ways in which specific positions are identified for which language skills are a job requirement, so they can be used for target recruiting and advertising.

Special Observances: Functional unit managers are encouraged to address cultural diversity awareness issues through topics at staff meetings, planning special observances in recognition of minorities, encouraging staff participation in special events in the community related to minority heritage and in special training sessions. The emphasis will be placed on resolving problems, combating stereotypes and highlighting the advantages of cultural diversity.

The types of observances include, but are not limited to: Women's Equality Day, Martin Luther King Jr. birthday (January), Cinco de Mayo (May), Native American Indian Heritage Month (September), Women's History Month (March), Black History Month (February), Asian Heritage Month (April or September), Disabilities Month (October), and National American Indian Heritage Month (November).



Appendix D

Executive Order 12-03

Minority, Women and Emerging Small Business Program



EXECUTIVE ORDER NO. 12-03

PROMOTING DIVERSITY AND INCLUSION OPPORTUNITIES FOR OREGON MINORITY-OWNED, WOMEN-OWNED AND EMERGING SMALL BUSINESSES

Executive Order No. 08-16 ordered eleven state agencies to set aspirational targets and implement other initiatives for promoting diversity and equal opportunity for minority-owned and women-owned businesses.

Minority-owned and women-owned businesses continue to be a dynamic and fast-growing sector of the Oregon economy. Oregon is committed to creating an environment that supports the ingenuity and industriousness of Oregon's Minority Business Enterprise [MBE] and Women Business Enterprise [WBE]. Emerging Small Business [ESB] firms are also an important sector of the state's economy.

Aspirational targets and other initiatives can support Oregon's efforts to improve entrepreneurial opportunities for certified business enterprises, prevent race and sex-based discrimination and ensure state funds are used to foster an inclusive business climate. Aspirational targets will reflect Oregon's commitment to oppose all forms of discrimination and demonstrate Oregon's intent to create an environment that supports economic growth in all sectors, including among them Oregon's minority-owned and women-owned firms. It is also necessary to have accurate data on the participation of MBE, WBE and ESB firms to allow the state to track its progress and ensure that Oregon's entrepreneurial opportunities are open to all.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. On or before February 15, 2012 and thereafter on a yearly basis, the Director of Economic & Business Equity (also known as the Advocate for Minority, Women and Emerging Small Business established by ORS 200.025) shall identify and circulate a list of industry clusters in which there are a sufficient number of MBEs/WBEs to warrant setting aspirational targets.
2. The following state agencies shall develop aspirational targets for MBE/WBE procurement of contracts valued \$150,000 or less, before March 31, 2012, which may be performed by MBEs/WBEs.
 - a. Oregon Business Development Department
 - b. Oregon Department of Administrative Services
 - c. Oregon Department of Aviation



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- d. Oregon Department of Consumer & Business
 - e. Oregon Department of Environmental Quality
 - f. Oregon Department of Human Services
 - g. Oregon Department of Corrections
 - h. Oregon Department of Public Safety Standards & Training
 - i. Oregon Department of Education
 - j. Oregon Department of Employment
 - k. Oregon Department of Energy
 - l. Oregon Department of Forestry
 - m. Oregon Department of Housing
 - n. Oregon Department of Revenue
 - o. Oregon Department of Fish & Wildlife
 - p. Oregon Department of Transportation
 - q. Oregon Health Authority
 - r. Oregon Liquor Control Commission
 - s. Oregon Parks & Recreation
 - t. Oregon State Police
 - u. Oregon Youth Authority
3. On or before March 31, 2012, the agencies identified in paragraph 2 shall develop aspirational targets for soliciting MBEs/WBEs to submit bids for contracts valued less than \$150,000 in identified industry clusters.
 4. Aspirational targets shall be set by agencies identified in paragraph 2 after considering the size, location and scope of work required for typical contracts. Agencies are encouraged to use the Oregon Department of Transportation's target setting process as a model in establishing aspirational targets. Agencies shall reassess their aspirational targets on or before January 15, 2013, and annually thereafter.
 5. The existence of aspirational targets shall not result in any preferential treatment, advantage or disadvantage for any particular business in obtaining contracts with the State of Oregon, but will, instead, be an indication of the extent of business that the State can expect to conduct with MBEs/WBEs.



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6. Agencies shall report MBE/WBE solicitations and MBE/WBE and ESB actual utilization to the Director of Economic & Business Equity (also known as the Advocate for Minority, Women and Emerging Small Business established by ORS 200.025) on a quarterly basis; beginning with the first quarter ending March 31, 2012. The report should be submitted no less than 15 days following the close of the quarter.
7. To further Oregon's efforts to create an inclusive business climate, agencies identified in paragraph 2 shall ensure:
 - a. All contract procurement staff and management personnel with contract procurement responsibilities are trained on the requirements of DAS Statewide Policy 107-009-030, entitled "MWESB Procurement," and DAS Statewide Policy 125-09-020, entitled "Oregon Procurement Information Network (ORPIN)";
 - b. Collaborate with the Oregon Business Development Department's Office of Minority, Women & Emerging Small Business [OMWESB] certification, as established by ORS 200.055, and increase the number of certified firms;
 - c. Diligently record MBE/WBE and ESB certification status in contract award information collected in ORPIN;
 - d. Diligently record the MBE/WBE and ESB certification status of all businesses invited to submit a bid for a Small or Intermediate Procurement under ORS 279B; and
 - e. Evaluate and consider modifying unnecessary restrictive definitions in the procurement process to facilitate participation of all businesses wishing to do business with the state, without regard to gender, race, ethnic origin, religion, social class, or other affiliation.
8. Beginning on or before January 31, 2013, and continuing on an annual basis, the Director of Economic & Business Equity (also known as the Advocate for Minority, Women and Emerging Small Business established by ORS 200.025), the Chief Operating Officer, together with any appropriate Agency Director(s) shall present Certificates of Excellence to contract procurement staff and/or management personnel who have exhibited outstanding initiative in conducting outreach to MBEs/WBEs.



Appendix E

Sustainability Purchasing Statement

Recyclable Products: Contractor shall use recyclable products to the maximum extent economically feasible in the performance of this contract. Contractor shall specify the minimum percentage of recycled product in the goods provided.



Appendix F

Qualified Rehabilitation Facilities Policy (OAR 125-055-0005)

DIVISION 55
RULES GOVERNING THE QRF PROGRAM

125-055-0005

Definitions

As used in OAR 125-055-0005 to 125-055-0045:

- (1) "**Agency**" means a public agency, as defined in ORS 279.835(4).
- (2) "**Community Rehabilitation Program**" (CRP) means a nonprofit agency for individuals with disabilities providing or facilitating one or more of the following services to individuals with disabilities, enabling them to maximize their opportunities for employment:
- (a) Medical, psychiatric, psychological, social, and vocational services;
 - (b) Physical, occupational and recreational therapy;
 - (c) Speech, language, and hearing therapy;
 - (d) Assessment for determining eligibility and vocational rehabilitation needs;
 - (e) Job development, placement, and retention services;
 - (f) Psychosocial rehabilitation services;
 - (g) Supported employment services;
 - (h) Services to family members, if necessary, to enable the applicant or eligible individual to achieve an employment outcome; and
 - (i) Personal assistance services.
- (3) "**Competitive Employment**" means work performed by an individual in the competitive labor market on a full-time basis with no more than reasonable accommodation (as required by the Americans with Disabilities Act, 42 USC §§12101 to 12213) for which the individual is compensated within the range of customary wages and levels of benefits paid in the community for the same or similar work performed by individuals who are not disabled.
- (4) "**Department**" means the Oregon Department of Administrative Services.
- (5) "**Individual with a Disability**" as defined in ORS 279.835(3), means a person who has a physical or mental impairment (a residual, limiting condition resulting from an injury, disease or congenital defect) that so limits the person's functional capabilities (such as mobility, communication, self-care, self-direction, work tolerance or work skills) that the individual is not able to engage in normal competitive employment over an extended period of time and, as a result, must rely on the provision of specialized employment opportunities.
- (6) "**Price**" means the cost to Agencies of the products and services procured through the QRF Program, as determined under OAR 125-055-0030.
- (7) "**Procurement List**" means a listing of those QRFs currently qualified under OAR 125-055-0015

to participate in the QRF Program and includes, as required by ORS 279.850(1), a list of the products and services offered by QRFs and determined by the Department, under OAR 125-055-0020, to be suitable for purchase by Agencies.

(8) **"Qualified Rehabilitation Facility (QRF)"** means a nonprofit corporation operating as a CRP:

(a) Organized under the laws of the United States or of this state and operated in the interest of Individuals with a Disability, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(b) That complies with any applicable occupational health and safety standard required by the laws of the United States or of this state; and

(c) That in the manufacture of products and in the provision of services, whether or not the products or services are procured under the QRF Program, during the fiscal year employs Individuals with a Disability for not less than 75 percent of the total work hours of direct labor required for the manufacture or provision of the products or services.

(9) **"QRF Program"** means the program created by ORS 279.835 to 279.855.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0010

Policy

(1) As required by ORS 279.850(1), Agencies that intend to procure a product or service that is listed on the Procurement List must procure that product or service, at the Price determined by the Department, from a QRF if the product or service is of specifications appropriate to the Agency's procurement needs and is available within the time required by the Agency.

(2) It is the policy of the Department to assist QRFs by administering a program to:

(a) identify contracting opportunities in the public sector for QRFs;

(b) ensure that QRFs meet the standards set forth in the QRF Program; and

(c) assist and facilitate Agencies in entering into contracts with QRFs for the provision of products and services.

(3) In administering the QRF Program, the Department, Agencies and QRFs must keep in mind the purpose of the law: to encourage and assist Individuals with a Disability to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for QRF products and services.

(4) In promoting the policy of this section and ORS 279.850(2), the Department's Chief Procurement Officer (CPO) may appoint uncompensated volunteer members to serve on an advisory council to make recommendations to the CPO concerning the facilitation and administration of the QRF Program. The CPO's authority to appoint advisory council members includes the authority to remove and replace members in the CPO's sole discretion. Meetings of the advisory council are not subject to the public meetings law (ORS 192.610 to 192.710). However, the Department will post notice of the times and places of meetings of the advisory council on a website maintained by the Department. The Department reserves the right to change the meeting time and place after the posting of the meeting notice.

Stat. Auth.: ORS 279.845(1) & 184.340
Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0015

Application for QRF Participation

(1) A CRP that seeks to participate in the QRF Program must submit a complete application to the Department on a Department-prescribed form. Exhibits submitted with the application must include:

- (a) IRS 501(c)(3) letter;
- (b) Articles of Incorporation;
- (c) Bylaws;
- (d) Mission Statement;
- (e) A description of how the applicant is operating as a CRP; and
- (f) A written plan for the applicant's compliance with the direct labor requirement of ORS 279.835(5).

(2) The Department reserves the right to require applicants to provide additional information.

(3) If the Department determines that the applicant is qualified, it will send the applicant notice of QRF status. If the Department does not find the applicant qualified, it will reject the application and notify the applicant in writing of the criteria not satisfied.

(4) The applicant may submit a written appeal to the Department within ten (10) calendar days of the date of the rejection notice. The appeal must state the error in the Department's decision. If the applicant does not appeal the Department's decision, the decision is final.

(5) On appeal, if the Department determines the applicant is then qualified, it will send written notice to the applicant of QRF status. If the Department finds no error in its determination, it will provide the applicant a written notice confirming the decision. The Department's written notice under this subsection constitutes a final order under ORS 183.484.

Stat. Auth.: ORS 279.845(1) & 184.340
Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0016

QRF Status and Annual Reporting

(1) A QRF is required, during the QRF's fiscal year, to employ Individuals with a Disability for not less than 75 percent of the total work hours of direct labor required for the manufacture or provision of all products or services produced by the QRF. The 75 percent direct labor requirement need not be met with respect to each product or service provided by the QRF, or with respect to each contract the QRF enters into under the QRF Program.

(2) All participating QRFs must submit, on a Department-prescribed form, information from their preceding fiscal year. The Department will evaluate this information to determine compliance with ORS 279.835(5).

- (3) The QRF must submit its annual report to the Department within 120 calendar days after the close of the QRF's fiscal year.
- (4) A QRF may request an extension in writing prior to the 120-day deadline. The request must state the reason for the extension and the anticipated date of submission.
- (5) The Department will evaluate the annual report for accuracy and compliance with ORS 279.835(5). If the Department determines that the QRF meets the requirements, it will send written notice of qualification to the QRF.
- (6) If the Department determines that a QRF is noncompliant with any requirements of ORS 279.835(5), the Department will issue a written notice to the QRF. The written notice will state the reasons the QRF is not compliant and provide potential remedies.
- (a) A QRF receiving notice of noncompliance under this subsection must respond to the Department within thirty (30) calendar days of the date of the Department's notice. The QRF's response must acknowledge receipt of the notice and describe a corrective action plan.
- (b) If the QRF does not respond within thirty (30) calendar days from the date of the written notice, the Department will issue to the QRF written notice of the proposed termination of the QRF's participation in the QRF Program. The Department's written decision under this subsection constitutes a final order under ORS 183.484.
- (c) The Department may require the QRF, as part of the required cure, to submit to the Department quarterly audit reports concerning the direct labor requirement of ORS 279.835(5). The Department may require the quarterly audits to be conducted and reported by a CPA in accordance with OAR 125-055-0035.
- (7) If the QRF fails to achieve compliance within the time prescribed by the Department, the QRF will receive a written notice of termination.
- (a) The QRF may submit a written appeal to the Department within ten (10) calendar days of the date of the termination notice. The appeal must state the QRF's grounds for appealing the decision. If the QRF does not appeal the Department's decision, the termination of the QRF's participation in the QRF Program is final.
- (b) On appeal, if the Department determines the QRF is then qualified, it will send the QRF notice of qualification. If the Department does not find the QRF qualified, it will provide the QRF a written decision that states the reasons for that determination. The Department's written decision under this subsection constitutes a final order under ORS 183.484.
- (8) After any termination of a QRF's participation in the QRF Program, the QRF may not enter into or renew any contracts under the QRF Program. Termination of QRF status also constitutes sufficient grounds for an Agency to terminate any contract procured under the QRF Program. The Department will post notice of the termination of a QRF's participation in the QRF Program on the website or other accessible online posting address administered through the Department. The QRF may re-apply no earlier than one year from the date the termination became final.
- (9) Nothing in this rule may be construed as prohibiting the Department and the QRF from resorting to informal dispute resolution measures such as non-binding arbitration or mediation.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

Record Keeping

(1) All participating QRFs must maintain current records for each Individual with a Disability employed by the organization. The records must contain the disability documentation source and when required, a Competitive Employment statement. A Competitive Employment statement is not required for Individuals with a Disability qualified by the Social Security Administration due to their disability.

(a) Competitive Employment Statement. The Competitive Employment statement is a Department form signed by the QRF executive and prepared by a person qualified by training and experience to evaluate the work potential, interests, aptitudes and abilities of Individuals with a Disability.

(b) Acceptable Disability Documentation Sources:

(A) A letter on United States Veterans Administration letterhead stating that the individual has been determined eligible for vocational services due to his or her disability;

(B) A letter on Social Security Administration letterhead stating the individual is eligible for benefits due to his or her disability;

(C) Documentation from the Oregon Department of Human Services (DHS) or a DHS-designated Community Developmental Disability Program that the individual has an existing disability.

“Community Developmental Disability Program” means an entity that is responsible for planning and delivery of services for individuals with developmental disabilities operated by or under a contract with the DHS, Seniors and People with Disabilities Division or a local mental health authority;

(D) Documentation from the Oregon Commission for the Blind that the individual has been determined to have a disability;

(E) Documentation from a Qualified Mental Health Professional that the individual is determined to have mental illness. A “Qualified Mental Health Professional” means any person meeting the following minimum qualifications as defined in OAR 309-114-0005:

(i) Graduate degree in psychology;

(ii) Bachelor’s or graduate degree in nursing and licensed in the State of Oregon;

(iii) Graduate degree in social work or counseling;

(iv) Graduate degree in a behavioral science field;

(v) Graduate degree in recreational art, or music therapy;

(vi) Bachelor’s degree in occupational therapist and licensed by the State of Oregon; or

(vii) Bachelor’s or graduate degree in a relevant area.

(F) Documentation on the Department’s “Documentation of Disability” form signed by a medical professional. “Medical Professional” means an individual licensed by:

(i) The Oregon Medical Board;

(ii) The Oregon Board of Naturopathic Medicine;

(iii) The Oregon State Board of Nursing as a Nurse Practitioner; or

(iv) The State Board of Psychologist Examiners.

(2) To the full extent permitted by law, a QRF must make its records available for inspection by the Department, the Office of the Oregon Secretary of State and their officers and representatives.

(3) If a QRF, its officers, employees or agents, knowingly make any false, fraudulent or untrue statement or representation in any application, certification or record required or authorized to be created, maintained or submitted under OAR 125, chapter 055, the Department may invoke the procedures authorized by OAR 125-055-0016(6) and (7) to secure appropriate action, including but not limited to requiring the correction or cure of the violation or the termination of the QRF’s

participation in the QRF Program. In determining the sanction, the Department may consider the magnitude, number, and impact of the false statements or representations.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0020

Determination of Suitability of Product or Service

(1) The Department will publish and maintain a Procurement List that identifies the products and services of QRFs suitable for procurement by Agencies. No Agency or QRF may enter into or renew a contract under the QRF Program for products or services not on the Procurement List. QRF products and services determined suitable will remain listed, subject to the Department's examination of the QRF's annual report and compliance with subsection (2).

(2) For a product or service to be suitable for addition to the Procurement List, each of the following criteria must be satisfied:

(a) **QRF Status.** The organization's QRF status must be current.

(b) **Ownership.** A QRF must own the product or directly provide the service the QRF proposes to provide to Agencies through the QRF Program. For example, a product or service will not be suitable for procurement by Agencies where the QRF operates merely as a broker, distributor, licensor or sales agent for another person or entity in providing a product to an Agency.

(c) **Tied Products.** A QRF's contract to provide a service cannot obligate an Agency to buy a product tied to that service unless the product is incidental to, or consumed in, the performance of the service.

(d) **No Excessive Prices.** The price proposed by the QRF must not be excessive. When proposed pricing is determined by the Department to be excessive, the Department may require the QRF to demonstrate that the proposed pricing is not excessive.

(e) **Purpose.** The QRF must demonstrate capacity to address the policy of the law as stated in ORS 279.840. To ensure that a QRF achieves this goal, the QRF must disclose to the Department:

(A) The projected employment potential for Individuals with a Disability in connection with the proposed product or service; and

(B) That appreciable value will be added to the products or services by Individuals with a Disability. The term "appreciable value" means a measurable addition of value, or an objectively observable improvement, enhancement or change, to the final product or service. No product or service may be suitable where the process of the manufacture, assembly or production of the product or the rendition of the service contains or is affected by any procedure, device or artifice under which the work of individuals with disabilities does not contribute, in a substantial, economically meaningful manner, to the value of the product or to the performance of the service, or under which the work of Individuals with a Disability is not a logical element of the chain of production.

(f) **Compensation.** Individuals with a Disability must be compensated for their work at a rate of pay that is consistent with the applicable legal requirements of the state and federal governments.

(g) **Subcontractor Disclosure.** Direct labor performed by subcontractors in the manufacture of a product or provision of a service to an Agency must be disclosed in the QRF's direct labor ratios reported to the Department as required by OAR 125-055-0016(1). The QRF must disclose subcontractor utilization, partnerships or planned joint ventures, including:

(A) the portion of the labor to be performed;

(B) the equipment to be used or supplied by; and

(C) the location of work performed by any subcontractor, partner or joint venturer (collectively, "subcontractor").

(h) **Quality Standards and Delivery Schedules.** The QRF must demonstrate the capability to meet the applicable specifications and to make the product or service available within the time required by the procuring Agency.

(i) **Additional Information.** The Department reserves the right to request additional information such as start-up costs and estimated cost recovery, market research conducted by the QRF, and physical location of business space dedicated to the product or service. The Department may conduct on-site investigations of the QRF's work sites and production processes.

(3) If the Department determines the product or service satisfies the criteria in subsection (2), it will notify the QRF of its decision. If the Department determines that the product or service does not satisfy the criteria in subsection (2), it will notify the QRF in writing of the criteria not satisfied.

(4) The QRF may appeal the decision by submitting a written appeal to the Department within ten (10) calendar days from the date of the Department's notice. The appeal must state the QRF's grounds for appealing the decision. On appeal, if the Department determines the product or service satisfies the criteria of subsection (2), it will notify the QRF of its decision. If on appeal, the Department does not find the product or service satisfies the criteria, it will provide the QRF a written decision stating the reasons for the determination. The Department's written decision under this subsection will constitute a final order under ORS 183.484.

(5) The Department will post the suitability determination on the Department's website and e-procurement system for thirty (30) calendar days. A person or entity who will be adversely affected by the listing in its ability to compete for public contracts for the proposed product or service may submit a written protest to the Department before the listing is effective. The protest must describe how the listing will adversely affect the person's or entity's ability to compete for public contracts for the proposed product or service and must demonstrate how the product or service fails to satisfy the criteria stated in subsection (2). The listing will become effective on the thirty-first day.

(6) If the Department receives a written protest concerning the proposed listing, the Department will consider the protest and issue a written response to the protesting party. The Department will only consider protests made in writing and received before the close of business on the thirtieth day. In considering a timely protest, the Department may request further information from the protesting party and the QRF.

(a) The Department's response to the protest will confirm, modify, or withdraw the proposed listing of the product or service. The Department will make its written determination available, by mail or by electronic means, to the protesting party and to the QRF.

(b) A protesting party or QRF who is adversely affected or aggrieved by the Department's response under this subsection may request that the Department institute contested case proceedings under ORS 183.411 to 183.470. A written request for a contested case must be received by the Department within fourteen (14) calendar days of the date of the Department's response. The request for a contested case must describe how the requesting party is adversely affected or aggrieved by the response and how the Department erred in its decision. The Department may grant or deny the request. If the Department grants the request, the contested case will be limited to the issues raised before the Department in the protest.

(7) At any time during the suitability determination process, the Department, QRF and protesting party may agree to informal dispute resolution measures such as non-binding arbitration or mediation in addition to the appeal procedures prescribed by subsections (4) through (6).

(8) Existing Contractor. The placement of a product or service on the Procurement List will not operate to displace a contractor under an existing contract with an Agency.

(9) Amending an Existing Suitability Determination. The QRF may submit a written request to the Department for modification of an existing suitability determination. The request must satisfy the criteria in subsection (2).

(a) If the Department determines the information provided by the QRF satisfies the criteria in subsection (2), it will record an amendment to the existing suitability determination. The Department will follow the posting requirements of subsection (5).

(b) If the Department determines the information provided by the QRF does not satisfy the criteria of subsection (2), it will send notice to the QRF. The QRF may appeal the Department's decision under the process described in subsections (4) and (7).

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0025

Review of Suitability Determinations

(1) The Department reserves the right to review suitability determinations as changes in rules, laws, market conditions and QRF contractor performance occur. Information that was not available to the Department during the initial determination that negatively impacts the suitability of the product or service may also cause a review. The review may result in removal of the product or service from the Procurement List. A QRF may appeal a decision to remove a product or service from the Procurement List in the manner provided in OAR 125-055-0020(4).

(2) An Agency and a QRF may not alter the character or scope of the product or service so that it no longer is essentially the same product or service that was the subject of the suitability determination. In cases where such a change is sought, the Agency or the QRF must first request and receive from the Department a new or amended determination that the product or service, as changed, is suitable under OAR 125-055-0020(2). In cases where the change in specifications or amendment appears to affect the Price of a product or service as determined under OAR 125-055-0030, the Department also may conduct a new Price determination in response to the request.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0030

Determination of Price

(1) Under ORS 279.845(1)(a), the Department will determine the Price of QRF products and services placed on the Procurement List.

(2) The Price determined by the Department will be a reasonable and adequate Price that will recover for the QRF the cost of:

- (a) Raw materials;
- (b) Labor;
- (c) Overhead that can be allocated to the particular product or service for which the Price determination is being made, including the actual, reasonable costs of complying with the independent audit requirements of OAR 125-055-0035;
- (d) Delivery costs, which include the transportation of a product to the site designated by the Agency or the transportation of workers to and from a site at which they will perform services for a customer; and
- (e) An amount held in reserve for inventory and equipment replacement.

(3) The QRF must submit its proposed Price to the Department based on the volume or scope of the work and specifications acceptable to the Agency. The Department reserves the right to review and amend a Price determination in light of reductions in or additions to the number of Agencies served under a multiple agency contract.

(a) In submitting its proposed Price, the QRF must make full disclosure of known costs. The disclosure must include documentation on a form prescribed by the Department. The Department may require additional information. The disclosed costs must reflect a Price that will permit the QRF to recover the amounts prescribed in subsection (2) and ORS 279.845(1)(a).

(b) If the QRF and the Agency agree on the terms and conditions of a proposed contract and the Price for the products or services to be provided under the proposed contract, the QRF and the Agency must present the proposed contract (including the agreed Price) to the Department for review and a determination of the Price.

(4) Based on the volume or proposed scope of work and the costs disclosed by the QRF under subsection (3), the Department will determine a Price for the products or services offered under the proposed contract. Based on the disclosed costs, the Department will determine a Price to be reasonable and adequate to permit the QRF to recover the amounts prescribed in subsection (2). The Department will notify the QRF and the Agency of the Price.

(5) In determining a reasonable and adequate Price of a product or service, the Department may consider:

- (a) Prices of similar products or services purchased in comparable quantities by federal agencies under the Javits-Wagner-O'Day Act, 41 USC §§ 46 to 48c;
- (b) Prices of products or services of similar specifications and quantities previously purchased by Agencies from responsible contractors engaged in the business of selling similar products or services;
- (c) Prices that private businesses pay for similar products or services in similar quantities of comparable scope and specifications if purchasing from a reputable vendor engaged in the business of selling similar products or services; and
- (d) Prices of products or services of similar specifications and quantities purchased by Agencies from other QRFs.

(6) QRFs and Agencies may not execute or implement any contract under the QRF Program until the Department has transmitted its notice of the Price determination.

(7) **Re-determination of Price.** The Department may re-determine a Price at the request of a QRF,

an Agency or at the discretion of the Department. Until the Department approves a new Price, the QRF must continue to provide the service or product at the existing Price. The Agency may not pay or agree to pay the QRF any amount other than the Price approved by the Department. The Department reserves the right to suspend the Price and set an interim Price. This re-determination may trigger a review of the suitability determination for the affected product or service under OAR 125-055-0025.

(a) In re-determining Price, the Department may consider the factors in subsections (2) and (3). The Department also may take into consideration changes that have taken place since the last Price determination that are pertinent to re-determining Price.

(b) Each re-determination of Price shall be based on changes in the scope of work, changes in the costs of producing the product or performing the service, or both. If the proposed re-determination is based on changes in QRF cost factors, the QRF must submit to the Department and the Agency a request for a Price change showing a breakdown of cost changes with appropriate documentation, as requested by the Department or Agency.

(c) Agencies and QRFs may not make material changes to the specifications of a contract entered into under the QRF Program unless the changes are in writing and have been submitted to the Department for a re-determination of Price.

(d) The Agency and QRF, in order to assist the Department in Price re-determinations, must submit to the Department the specific changes in the scope of work or other conditions which will be required during the contract period.

(e) The QRF must submit a Price recommendation to the Agency and the Department for review and re-determination of Price as described in subsection (3).

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279.015(1)(b) & 279.835 - 279.855

125-055-0035

Direct Labor Audits

(1) If a QRF's gross revenues generated under the QRF Program exceed \$100,000 annually, the QRF must conduct an independent audit of direct labor to maintain qualifications and listing on the Procurement List. Independent audits must be conducted every other year as scheduled by the Department to determine compliance with ORS 279.835(5)(c). The audit must be conducted by an independent certified public accountant (CPA) in accordance with generally accepted auditing principles. The QRF must submit a letter of attestation and the compilation worksheet to the Department 120 calendar days after the close of the QRF's fiscal year. A QRF may request an extension in writing prior to the 120-day deadline. The request must state the reason for the extension and the anticipated date of submission.

(2) For purposes of subsection (3):

(a) "Direct labor" means all work required for the manufacture, preparation, processing and packing of products produced by a QRF and all work performed in rendition of services by a QRF. Direct labor does not include supervision, administration, shipping, or client-type services provided by a QRF to Individuals with a Disability served by the QRF, such as job training and therapeutic services.

(b) "Supervision" means the direction, assignment, instruction and oversight of individuals performing direct labor and inspection of work performed or products for quality assurance.

(c) "Administration" means the management activities of a QRF that include acquisition of equipment, parts, supplies and inventory, handling of the entity's payroll, personnel and accounting activities,

executive decision-making and other business activities, generally of a centralized nature, that do not entail the "hands-on" production of a product or the performance of a service.

(d) "Shipping" means the transportation of a product to the site designated by the acquirer of the product or the transportation of workers to and from the site at which they will perform services for a customer.

(3) The examination and resulting audit report must be based on the following records and information:

(a) A listing of all products and services provided by the entity in the QRF's fiscal year, including those products and services procured by Agencies under the QRF Program and those procured outside the QRF Program;

(b) A list of all individuals covered by the audit scope employed by the QRF that are Individuals with a Disability who provided direct labor for the production of products or the performance of services during the fiscal year that is the subject of the audit examination, including employee name, unique employee identification number, job description and disability status;

(c) A list of all individuals covered by the audit scope employed by the QRF, whether paid or unpaid, who are not Individuals with a Disability and provided direct labor required for the production of products or the performance of services during the fiscal year that is the subject of the audit examination, including employee name, unique employee identification number and job description;

(d) A compilation of the total hours of direct labor performed by the QRF during the fiscal year;

(e) Payroll reports for all individuals covered by the audit scope employed by the QRF during the fiscal year, including employee name, work hours paid, vacation hours, sick leave hours and training hours. Hours worked must be segregated from hours paid but not worked;

(f) Time and billing records showing direct hours worked by each employee in the manufacture of goods or provision of services;

(g) The QRF must have documentation of disability on file for each employee who is claimed to be an Individual with a Disability. The acceptable forms of disability documentation are defined in OAR 125-055-0017(1)(b); and

(h) A Competitive Employment statement must be on file for each employee who is claimed to be an Individual with a Disability, except as described in OAR 125-055-0017(1).

(4) The audit report must address the following elements:

(a) A determination whether the QRF's time, billing and payroll records are sufficiently complete and reliable to demonstrate compliance with the 75 percent direct labor requirement of ORS 279.835(5)(c). The records must permit segregation of direct labor hours from other hours worked and paid, and allow for the assessment of direct hours worked by employees with disabilities, as well as by employees without disabilities;

(b) If the CPA finds the records to be sufficiently complete and reliable, the CPA must test the QRF's calculations of total direct labor hours worked by employees with disabilities for the entire applicable fiscal year. Only direct labor hours worked may be included in the calculations. Vacation, sick leave, holiday, training hours and any other hours paid but not worked by the employee must be excluded from the calculation;

(c) The CPA must apply sufficient statistical sampling techniques to obtain an 80 percent level of confidence that:

(A) The direct labor by Individuals with a Disability during the QRF's fiscal year satisfied the 75 percent direct labor requirement under ORS 279.835(5)(c); and

(B) The hours reported as worked by Individuals with a Disability were worked by individuals whose disabilities were documented under subsection (3)(g).

- (d) A determination whether adequate actions have been taken to resolve any prior adverse audit report findings or recommendations; and
- (e) The CPA that conducted the direct labor audit must sign an attestation that the QRF complied or did not comply with the 75 percent direct labor requirement of ORS 279.835(5)(c) during the applicable fiscal year. If the CPA attests that the QRF did not comply with the requirement of ORS 279.835(5)(c), the report must include a concise description of the nature and extent of the noncompliance.
- (5) The letter of attestation must be signed and dated by the CPA and by an officer of the QRF's board of directors.
- (6) Failure to comply with the requirements of ORS 279.835(5)(c) by a QRF constitutes sufficient grounds to terminate the QRF's participation in the QRF Program and constitutes sufficient grounds for an Agency to terminate, or to suspend performance of the work under, a contract with the QRF.
- (7) The cost of the audit required by this rule is an overhead expense that the QRF may recover and which must be taken into account in determining the Price under OAR 125-055-0030.
- (8) If the Department determines that a QRF is in material noncompliance with any requirement imposed on it by this rule, including the direct labor requirement of ORS 279.835(5)(c), the Department will issue to the non-complying QRF a written notice to cure the noncompliance. The written notice will state the reasons that the QRF is not in compliance and provide potential remedies.
- (a) A QRF receiving notice of noncompliance under this subsection must respond to the Department within thirty (30) calendar days of the date of the Department's notice. The QRF's response must acknowledge receipt of the notice and describe a corrective action plan.
- (b) If the QRF does not submit a written response within thirty (30) calendar days from the date of the written notice or such additional time as may be permitted by the Department, the Department may issue, to the QRF, written notice of the proposed termination of participation in the QRF Program.
- (c) The Department reserves the right to require a QRF to submit to the Department quarterly audit reports concerning the QRF's compliance with the direct labor requirement of ORS 279.835(5)(c). The Department may require, at its discretion, that the quarterly audits be conducted and reported by a CPA in accordance with subsection (5). If a QRF subject to this requirement satisfies the direct labor requirement in the first two consecutive quarterly audits, the Department may waive the quarterly audit requirement for that QRF.
- (d) If the QRF fails to achieve compliance within the time prescribed in the Department's written notice, the Department may terminate the QRF's participation in the QRF Program. The Department will issue to the QRF a written notice of termination.
- (e) After termination of QRF status, the QRF may not enter into or renew any contracts under the QRF Program. Termination of the QRF's participation in the QRF Program constitutes sufficient grounds for any Agency to terminate any contract with the QRF.
- (f) One year after the effective date of termination of QRF status, a CRP may re-apply for QRF status under OAR 125-055-0015 and listing on the Procurement List under OAR 125-055-0020.
- (9) If a QRF fails the direct labor requirement of ORS 279.835(5)(c), that QRF will be required to submit an independent audit report the following year. If the subsequent annual audit discloses that the QRF failed to satisfy the direct labor requirement, the Department will issue a notice of termination to the QRF.

(10) The QRF may submit a written appeal to the Department within ten (10) calendar days from the date of the notice of termination issued under subsection (8)(d). The appeal must state the QRF's grounds for appealing the decision. If the QRF does not appeal the Department's decision, termination of participation in the QRF Program is final.

(11) On appeal, if the Department determines that the QRF complied with the direct labor requirement of ORS 279.835(5)(c), it will notify the QRF of its decision. If on appeal, the Department determines that the QRF failed to comply with the direct labor requirement of ORS 279.835(5)(c), it will provide the QRF a written decision stating the reasons for the determination. The Department's written decision under this subsection constitutes a final order under ORS 183.484.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0040

General Provisions

(1) **Contracting Authority.** The Department and other Agencies must contract directly with a QRF for a contract to qualify for the exception from the competitive procurement requirement in ORS 279A.025 for contracts under the QRF Program. Contracts between multiple Agencies and a QRF satisfy this requirement that the Agencies must contract directly with a QRF.

(2) **Contract Disputes.** Contract performance issues and disputes arising out of contracts entered into under the QRF Program, such as disputes concerning timely delivery of products or performance of services or compliance with specifications, must be resolved exclusively between the QRF and the Agency that is a party to the contract, and will not be resolved by the Department (except where the Department is a party to the contract with the QRF).

(3) **Temporary Services for State Agencies.** In each contract for the provision of temporary services entered into by a state agency under the QRF Program, the QRF must monitor the prior and current work assignments of its employees who work under the contract to ensure that no employee performs services for the state in excess of a total of 1,040 hours in a 12-month period. A QRF temporary service provider must obtain a written statement from the employee attesting to the total hours worked as a temporary employee for any state agency during the last 12 months. A state Agency filling behind an employee on approved leave may continue beyond 1,040 hours in a 12-month period only when the temporary employee replaces a single employee on approved leave. The temporary appointment may not exceed the period of the approved leave.

(4) **Competitive Public Contract Bidding by a QRF.** If a QRF submits, to any Agency, a competitive bid, proposal, quote or other offer in a competitive procurement for a public contract, then regardless of whether the offer was accepted, that QRF may not, at any time during the initial term of the contract for which the QRF submitted a competitive offer, make any claim to the Agency that instituted the procurement for the public contract that the product or service that was the subject of the offer should have been subject to the requirements of the QRF Program.

(5) A QRF must not enter into a public contract with an Agency under the QRF Program unless the contract complies with OAR 125-055-0005 to 125-055-0040 and the products or services that are the subject of the contract are listed on the Procurement List. Any liabilities or expenses that may arise

from the establishment of a contract that violates this subsection will be those exclusively of the QRF and Agency.

- (6) **Application of these Rules.** OAR 125-055-0005 through 125-055-0040, as amended effective October 5, 2010, apply to applicants and participants in the QRF Program after October 5, 2010.
- (a) Existing disability documentation for Individuals with a Disability participating in the QRF Program prior to October 1, 2010 will meet the requirements of OAR 125-055-0017(1)(b).
 - (b) The implementation of the Competitive Employment statement, as required by OAR 125-055-0017(1), will commence with the reporting of the fiscal year ending October 2011.
 - (c) The revised audit requirements will be implemented as follows:
 - (A) Direct labor audits for fiscal years ending October and December 2010, and June 2011 are waived.
 - (B) Direct labor audits will be required for fiscal years ending October and December 2011, and June 2012, for all QRFs with gross revenues exceeding \$100,000 annually under the QRF Program.
 - (C) Starting October 2012, direct labor audits will be required every other year as determined by the Department in accordance with OAR 125-055-0035(1).
 - (d) The amendments to OAR 125-055-0005 to 125-055-0045, effective October 5, 2010, shall not affect the validity of any of the following determinations the Department made prior to the effective date of the amendments:
 - (A) Any determination that a QRF was qualified for participation in the QRF Program;
 - (B) Any determination that a product or service was suitable for addition to the Procurement List; or
 - (C) Any determination of Price.

(7) The Department reserves the right to extend any deadline or time within which a QRF or a party to any proceedings under OAR 125-055-0015 to 125-055-0040 must take any action under those rules if the affected party applies in writing for relief to the Department and demonstrates in writing that special circumstances warrant the grant of such relief. For the purpose of this subsection, special circumstances that warrant the grant of relief include emergencies that reasonably can be regarded as imposing an obstacle to the QRF's or party's ability to meet the deadline or achieve the correction of a violation of rules. Special circumstances are circumstances beyond the reasonable control of the individual or organization including, but not limited to, the illness or other incapacity of key officers of the organization seeking relief, emergency reorganizations or replacements of the corporate structure, board of directors or executive officers of the organization, acts of God and comparable practical impediments to an individual's or organization's ability to meet a deadline or achieve the correction of a violation of rules. The grant or denial of relief under this subsection must be determined by the Department official specifically delegated that task. The Department also reserves the right to waive or to permit the correction of minor or technical violations of OAR 125-055-0015 to 125-055-0040.

Stat. Auth.: ORS 279.845(1) & 184.340
Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

125-055-0045

Purchases under ORS 279.855

(1) QRFs, residential programs and public benefit corporations recognized by ORS 279.855 may acquire equipment, materials, supplies and services under the same conditions as state agencies

that, under ORS 279A.040, are not subject to the requirement that the Department provide for their acquisition of such items. Accordingly, QRFs, residential programs and public benefit corporations must enter into an agreement with the Department in order to participate in the Oregon Cooperative Procurement Program (ORCPP). The agreement must have substantially the same form, content and obligations as the standard agreement prescribed by the Department that state agencies must execute in order to participate. In addition, QRFs, residential programs and public benefit corporations must comply with the applicable subsections of this rule to acquire equipment, materials, supplies or services under ORS 279.855.

(2) QRFs that currently are approved under OAR 125-055-0015 may purchase equipment, materials, supplies and services through the Department in the same manner as state agencies, as provided in ORS 279A.140 to 279A.155 and 279A.250 to 279A.290.

(3) A residential program seeking to purchase equipment, materials, supplies or services through the Department under ORS 279.855 must make a written request to the Department to which is attached a true and correct copy of its currently effective contract with the Department of Human Services to provide services to youth in the custody of the state. In addition, the residential program must submit a letter from the Oregon Department of Human Services, on the letterhead of that department or of a division of that department, that contains the following information:

- (a) The services the residential program must provide, including the scope of those services, under the currently effective contract with the Department of Human Services;
- (b) The Department of Human Services contract number;
- (c) The starting date and expiration date of the contract; and
- (d) The name, original signature, mailing address and telephone number of the Department of Human Services' Contract Administrator for the contract.

(4) A public benefit corporation seeking to purchase equipment, materials, supplies or services through the Department under ORS 279.855 must make a written request to the Department to which is attached:

- (a) A certification by an authorized officer of the public benefit corporation that the applicant qualifies as a public benefit corporation under ORS 65.001;
- (b) A true and correct copy of documentation, which may include the corporation's currently effective articles of incorporation, that demonstrates that the corporation is tax exempt under 501(c)(3) of the Internal Revenue Code and that the corporation is not a religious corporation as defined in ORS 65.001;
- (c) A true and correct copy of at least one currently effective contract between the public benefit corporation and a state agency or unit of local government by which the corporation's contract performance is funded at least in part with state funds; and
- (d) A letter from the state agency or unit of local government that confirms the existence and effectiveness of the contract submitted under subsection (4)(c), on the letterhead of the state agency or unit of local government, that contains the following information:
 - (A) The services the public benefit corporation must provide, including the scope of those services, under the contract submitted under subsection (4)(c);
 - (B) The contract number;
 - (C) The starting date and expiration date of the contract; and
 - (D) The name, original signature, mailing address and telephone number of the state agency or unit of local government's Contract Administrator for the contract.

(5) Neither the Department nor the State of Oregon will be liable for any obligation or debt entered into on behalf of a QRF, a residential program or a public benefit corporation, and likewise will not be liable for any obligation or debt incurred by a QRF, a residential program or a public benefit corporation, in making purchases.

(6) Each residential program and public benefit corporation that makes any purchase of equipment, materials, supplies or services through the Department under ORS 279.855 must notify the Department in writing whenever a contract that is necessary for the organization to qualify under ORS 279.855 expires, is terminated, or is not renewed, and whenever the organization otherwise ceases to qualify under ORS 279.855 or this rule.

Stat. Auth.: ORS 279.845(1) & 184.340

Stats. Implemented: ORS 279A.025(4) & 279.835 - 279.855

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