



**DEPARTMENT OF CORRECTIONS
Administration**



Title:	Directive Development	DOC Policy: 10.4.01
Effective:	11/12/20	Supersedes: 06/01/18
Applicability:	All Employees	
Directives Cross-Reference:	None	
Attachments:	Directives Development Flowchart (Attachment A) Guidance Document (Attachment B) DOC Directive Development form CD1487 DOC Directives Review form CD 1811	

I. PURPOSE

The purpose of this policy is to provide general standards for the development, review, revision, and repeal of DOC administrative rules and policies. Health Services policies, procedures, and protocols are maintained by Health Services and do not fall under the provisions of this policy.

II. DEFINITIONS

- A. Administrative Rule: As defined in ORS 183.310, any agency directive, standard, regulation, or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency. The term includes the amendment or repeal of a prior rule but does not include any exception described in ORS 183.310(9), including, for example, internal management directives, regulations, or statements between Department officers and employees that do not substantially affect the interests of the public.
- B. Directive: An “administrative rule” or “policy,” as those terms are defined in this policy. This term excludes a “procedure,” as that term is defined in this policy.
- C. Directive Owner: The Assistant Director or Administrator who is responsible for directing the development, revision, and review of directives assigned to them.
- D. Division Contact: Staff person assigned by a division Assistant Director or Administrator to be division point of contact for the agency rules coordinator. The division contact is responsible for tracking the development and review of directives.
- E. Executive Team: The executive leadership of the department that provides direction and oversight to department operations.

- F. Facilitator: The person assigned by the directive owner to oversee the development, revision, or review of a specific directive.
- G. Policy: A written statement that describes how the department will conduct business and sets the parameters and expectations for staff but does not substantially affect the interests of the public, and is not a “procedure” as that term is defined in this policy.
- H. Procedure: A written instruction to staff to implement a policy that is required or authorized to be developed at the functional unit level.
- I. Rules Coordinator: The agency Rules Coordinator maintains DOC administrative rules and policies. The Rules Coordinator is responsible for ensuring proper classification of a directive, consistency of content with other directives, and that directives are reviewed in accordance with this policy.
- J. Stakeholders: One or more DOC persons identified who may be impacted by the directive development.
- K. Subject Matter Expert: A person identified by the directive owner who is knowledgeable on a subject area.
- L. Workgroup: One or more persons responsible for assisting in the development, revision, or review of a directive.

III. POLICY

A. Directives

All DOC directives must reflect the department’s mission, core values, and professional standards.

1. Rules: All administrative rules shall be processed in accordance with the Administrative Procedures Act (ORS Ch 183), the Attorney General’s model rules, and the DOC Procedural Rules (OAR 291-001).
2. Policies:
 - a. DOC policies establish core values and direct and guide staff to set the parameters and expectations of professional standards.
 - b. Policies must align with administrative rules, and may not be developed in lieu of an administrative rule, or to alter, expand, clarify, interpret, or replace an existing administrative rule.

- c. A policy may require, permit, or prohibit functional units from developing procedures to implement any or all portions of a policy. A policy shall specify whether a policy permits the development of procedures, and any limitations or restrictions on the development of procedures.
- d. Format: A policy must include the following sections:
 - (1) Purpose: statement that introduces the purpose of the policy.
 - (2) Definitions (if necessary)
 - (3) Policy: Standards and procedures that constitute the main body of the policy.
 - (4) Implementation: Indicates whether a procedure is required, permitted, or prohibited. If the Implementation section indicates the policy shall be adopted “without further modification,” that means an procedure shall not be written to further explain the policy.

B. Directives Development Process

1. The development process is outlined in the Directive Development Flowchart. Directives are created or revised as directed by the directive owner to:
 - a. Align with changes in statute, administrative rule, or statewide (DAS) policy; or
 - b. Align to new business needs, practices, processes, or strategies (e.g., internal control, clear and concise clarification of standards).
2. Responsibilities of the directive owner:
 - a. Direct the development, revision, and review of assigned directives.
 - b. Assign a facilitator responsible for overseeing the development, revision, or review of the directive.
 - c. Notify division contact of directive development for tracking purposes.
 - d. Keep rules and policies current within the review standard (every five years).
 - e. Determine whether directive updates should be submitted for legal review. See Guidance Document, attachment B.
3. Responsibilities of the division contact:

- a. Track all ongoing directive developments for division to include the directive (name, number) and the assigned facilitator.
 - b. Track all ongoing directive reviews for division to include the directive (name, number) and the assigned facilitator.
 - c. Provide the Rules Coordinator with an update on all ongoing directive developments and reviews by the first of every odd month.
4. Responsibilities of the facilitator:
- a. Maintain contact with the Rules Coordinator and provide updates as necessary.
 - b. Review enabling statutes, rules, policies, or standards that impact the directive, including the revision or creation of another directive.
 - c. Review current DOC practices and processes.
 - d. Draft the directive. Seek internal stakeholder input by:
 - 1) Soliciting input from selected internal DOC stakeholders; or
 - 2) Establishing a workgroup (2-10 employees) only if determined necessary to assist in the directive process. The workgroup should include a subject matter expert and internal representatives from one or more divisions/functional units from different geographical regions of the state that may be impacted by the directive.
 - e. Establish a communication plan (staff, adults in custody, public) for implementation of the directive.
 - f. Establish an implementation plan that includes a timeline. The implementation plan should include training and automation requirements.
 - g. Request legal review in the development process if approved by the directive owner.
 - h. Submit final draft to the directive owner for approval and presentation to the Executive Team.
 - i. Upon approval by the Executive Team, complete the Directive Development form (CD1487) and submit it along with the final approved draft directive to the Rules Coordinator.

5. Responsibilities of the Rules Coordinator:

- a. Review directives ensuring proper classification and consistency of content with other directives.
- b. For administrative rules only: Work with the Budget Office to prepare a fiscal impact statement.
- c. Prepare the directive for the Director's or designee's signature and file the necessary documents with the Secretary of State's Office for administrative rules.
- d. Send the notification to staff and interested parties of changes in directives.
- e. Maintain directives in accordance with established retention schedules

C. Directives Review Process

1. Directives shall be reviewed every five years.
2. The Rules Coordinator will maintain a database of directives that includes the last review date. The Rules Coordinator will send quarterly reports to the directive owners on the status of directives.
3. The directive owners are responsible to ensure that directives meet the review standard of every five years. The directive owner will assign a facilitator to complete the review and notify the division contact for tracking.
4. The review shall ensure the directive is current and aligns with DOC practices and general procedures; related forms are relevant; and statutory references are accurate.
 - a. If revisions are required, the assigned facilitator will notify the directive owner, and will initiate the directive development process described in Section B above.
 - b. Policy: If no revisions are required, the policy will remain unchanged. The facilitator will complete the directive review form and submit it to the division contact for tracking and signature by directive owner. The division contact will submit completed/signed directive review form to the Rules Coordinator who will update the policy for signature with a new effective date.
 - c. Rule: If no revisions are required, the facilitator will complete the directive review form and submit it to the division contact for tracking and signature by directive owner. The division contact will submit completed/signed directive review form to the Rules Coordinator to update the database with a new "last review" date.

5. In accordance with ORS 183.405, administrative rules adopted after January 1, 2006, must be reviewed no later than five years after the rule was adopted. The Rules Coordinator must coordinate the review and report findings to the Secretary of State's Office.

D. Notifications

1. In addition to the notifications made in accordance to OAR 291-001, the DOC Rules Coordinator will provide electronic notification of directive updates to:
 - a. All employees, contractors, and volunteers; and
 - b. The institution functional unit manager or designee for publication in the AIC newsletters.
2. Each institution shall publish the rules updates in the next edition of their AIC newsletter following notice of directive updates.

E. Manuals (Hard Copy)

1. The Rules Coordinator will maintain a master set of the rules and policies manuals, as well as the internal distribution list for institutions.
2. Each institution will maintain a sufficient number (minimum of one set) of hardcopy rule and policy manuals that are made readily accessible to adults in custody in the institution legal libraries, and in a location(s) in the institution to ensure continuity of operations in an emergency. Institution staff should rely on the online copy of the directives whenever possible.
3. The Rules Coordinator will provide an electronic copy of the directive updates posting to each institution.
4. Hard copy manuals maintained in the institutions will be updated within seven calendar days following a directive update issued by the Rules Coordinator.
5. Each institution will be responsible for designating an employee to perform an annual review of all hard copy manuals to ensure compliance with updates. This review will commence upon receipt of the Rules Coordinator's annual audit report.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: __signature on file_____

Michelle Mooney, Rules Coordinator

Approved: __signature on file_____

Heidi Steward, Deputy Director

Directive Development Flowchart

Directive Development Needed:

- As required by ORS, OAR, or statewide policy/mandate;
- As requested by workgroup or business need; or
- As directed by Directive Owner

Directive Owner:

- Notifies Division Contact
- Assigns a facilitator

Division Contact:

- Tracks directive and name of facilitator

Facilitator:

- Establishes workgroup

Workgroup:

- Drafts directive
- Distributes to DOC stakeholders and Unit Administrator

Unit Administrator/Stakeholders:

- Reviews draft directive
- Provides feedback

Directive Owner:

- Reviews final draft (returns to facilitator if revisions necessary)
- Approves final draft
- Requests directive be added to executive team agenda for approval.

Facilitator

- Requests DOJ review (if determined appropriate by Directive Owner)
- Reviews and incorporates DOJ comments/edits as appropriate
- Submits final draft to Directive Owner for approval.

Workgroup:

- Review feedback
- Revises draft

Directive Rejected

Approved:

- Facilitator completes CD1487. Include racial equity impact statement for permanent rules.
- Facilitator submits CD1487 and final draft with tracked changes to Rules Coordinator

Executive Team:

Approves (as is or with minor changes)

Returns (substantial changes)

Rejects

Returned:

Draft returns to workgroup for changes

Rules Coordinator submits request for Fiscal Impact statement to DL Fiscal Impacts (rules only). Include the completed CD1487 and final draft.

Policy:

- Staff comment period.
- Facilitator/Directive Owner reviews comments. Any changes are incorporated and the final draft is submitted to Rules Coordinator.

- Policy finalized
- Submitted to Director/Deputy Director for final signature

Policy becomes effective

Rule:

- Proposed rule finalized
- Follows rulemaking process

- Proposed rulemaking notice filed
- Review/Comment period

Comments shared with facilitator/Directive Owner for consideration. Any changes incorporated and final draft for filing re-submitted to Rules Coordinator.

Final draft approved and submitted to Director/Deputy Director for signature

Rule filed online and becomes effective



Directives Review Form (CD1811)

All DOC rules and policies must be reviewed at a minimum of every five years in accordance with DOC policy 10.4.1. When the directive review is conducted, this form should be completed and submitted for file tracking to the DOC Rules Coordinator. If at any point during the review it is determined that changes need to be made, discontinue the review and begin the directive development process.

___ Rule Division # and Title: _____

(When reviewing a division, **all rules** must be reviewed as part of the audit)

___ Policy Number and Title: _____

1. Does the rule/policy reflect current DOC processes and practices? ___Yes ___No

If not, begin the Directive Development process and complete form CD1487.

2. Have there been any changes in law or statute that requires the rule/policy to be revised?

___No ___Yes, begin the Directive Development process and complete form CD1487.

3. Are all the statute references, administrative rule references and policy references still accurate?

___Yes ___No, begin the Directive Development process and complete form CD1487.

4. Additional Comments:

Review Completed by: (list all individuals involved in the review)

Directive Owner Approval Signature:

Date Approved:

Directive Owner Name: _____



DIRECTIVE DEVELOPMENT

Planning Summary for Rule/Policy Development

Rule (OAR) or Policy Number:

Date:

Title:

Contact Person:

Phone No.:

Identify the objective of the directive update/adoption. (Describe what are you trying to accomplish)

What is the reason for the proposed change? (Check all that apply)

Change in Legislation # _____

Change in Statewide/DAS policy # _____

Business Strategies (Internal control, standardize process(es), efficiencies, customer service, etc.)

Update (Change in practice or department philosophy, clarify terminology, further define process)

Strategic Initiative

Housekeeping (technical corrections, reorganization, etc.)

Legal (litigation, legal decision)

Are there other potential solutions besides proposed change?

What is the impact on department operations and/or stakeholders?

Is there an impact on other partners or agencies?

Was this change sent for legal review by DOJ? If no, why did the directive owner choose not to?

Answer all questions below. Enter *none* or *N/A* as needed

Major change _____

Minor change _____

Is there a fiscal impact? Required only for rulemaking. Please provide what you perceive or have identified as possible fiscal impacts. The Rules Coordinator will work with accounting for an official fiscal impact statement for rulemaking.

For Permanent Rules Only. Identify how this rule update/adoption will affect racial equity in Oregon.

Any automation requirements? If yes, describe

Any training requirements? If yes, describe

Does this require revision or development of other DOC directives? If yes, identify

Are there any other committees or workgroups working on issues that affect the proposed change?

What date was this approved by the Executive team?

If this has not been approved by the Executive Team it cannot be moved forward.

Instructions for Completing Form

Rule (OAR) or Policy Number: Rule division or policy number being revised. If a new directive, type in new

Title: Title of the rule division or policy. Subject matter if a new directive.

Contact Person: The person facilitating the rule or policy development. Include any co-facilitators.

Objective of the Directive: Describe the goal or intended outcome of the directive development, purpose of the development.

Reason for the Proposed Change: Identify what is driving the need for the change. If it is a change in legislation or statewide policy, include the statute, law, or policy number.

Potential Solutions Besides Proposed Change: Describe any alternative solutions besides rule/policy development.

Impact on Department Operations and Stakeholders: Describe how the proposed changes will affect functional units, institutions and programs within the Department, and Community Corrections Offices. (Include additional workload, transfer of responsibility from one unit/staff to another unit/staff) What will the impact be to staff, adults in custody, family and friends of adults in custody, local government, counties, other states, the general public?

Impact on Other Partners or Agencies: Describe how the proposed changes will affect local government, community partners, other law enforcement, or other state agencies.

Directive Owner to Decide Legal Review: Directive owner to review content of change and determine if the directive needs to be approved by DOJ before moving forward in the process. Directive owner should follow DOJ guide and provide substantiation as to why directive was/was not reviewed by legal.

Fiscal Impact (Rules Only): Determine if there is a fiscal impact to DOC, local government, adults in custody or other external stakeholders. Include whether additional staff is required, overtime costs, purchase of specialized equipment, etc.

Racial Equity Impact (Permanent Rules Only): Determine the impact to racial equity in Oregon considering the rule's impact to DOC, local government, adults in custody or other external stakeholders. Send your draft statement to the DOC Diversity, Equity & Inclusion Office for input and then to DOJ for review. Enter your final draft language in this form.

Automation Requirements: Identify any automation requirements. Determine when automation requirements should be completed. Consult with IT to prioritize and coordinate with other projects.

Training Requirements: Identify any training requirements. Include who needs to be trained and who will train.

Revision or Development of other DOC Directives: Name other rules or policies that need to be revised or created as a result of this directive development.

Committees or Workgroups Working on Issues That Affect the Proposed Change: Research whether there are any committees, workgroups or individuals discussing or working on issues that affect the directive development. If so, identify.