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GOVERNOR

State of Alabama Alabama Department of Corrections

Research and Planning
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Donal Campbell
COMMISSIONER

May 5, 2004

ADMINISTRATIVE REGULATION
NUMBER 003

OPR: RESEARCH AND PLANNING

ADMINISTRATIVE REGULATIONS EXEMPTIONS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for providing a monitored mechanism whereby Wardens/Directors can request AR exemptions.

II. POLICY

The ADOC shall maintain a monitored mechanism allowing for exemptions to departmental ARs only as specified through the following procedures.

III. DEFINITION(S) AND ACRONYM(S)

A. Office of Primary Responsibility (OPR): The Office of Primary Responsibility is that Warden/Director, Deputy Commissioner staff unit, office, or activity having functional responsibility for the program, procedure, law, rule, or regulation matter.

B. Exemption: Waiver of criteria.

IV. RESPONSIBILITIES

A. The Commissioner shall be the only approving authority for exemption approvals.

B. The Deputy Commissioner of Programs shall be responsible for coordinating ADOC Form 003, Administrative Regulation Exemption Requests, between the requesting party and the Commissioner.

C. The Warden/Director is responsible for submitting ADOC 003, Administrative Regulation Exemption Requests.

V. PROCEDURES

- A. Warden/Director shall submit in writing, on ADOC Form 003, Administrative Regulation Exemption Request, to the Deputy Commissioner of Programs, who will log the request and forward to the Commissioner.
- B. These requests must contain at least the following:
 - 1. The AR section cite(s) for which the exemption is being requested.
 - 2. Reason for non-compliance with the AR or any of its parts.
 - 3. Staffing, money, or other changes needed in order to comply
 - 4. Timetable needed to comply.
- C. If the Deputy Commissioner of Programs concurs with the request, he/she shall return the request to Research and Planning, who will gather further information, if necessary, and forward the request back to the Deputy Commissioner of Programs for consideration.
- D. If the Deputy Commissioner of Programs does not concur with the exemption request, it is automatically denied and returned to the Warden/Director.
- E. The Commissioner shall make the final determination and return the original request and decision to the Deputy Commissioner of Programs, who shall notify the Warden/Director of the decision through the completed ADOC Form 003, Administrative Regulation Exemption Request.
- F. The Deputy Commissioner of Programs will forward a copy of the approved exemption request(s) to the Office of Primary Responsibility (OPR) of the related regulation.
- G. The AR exemptions will be reviewed on an annual basis by the respective AR author in conjunction with the annual review of ADOC AR(s).
- H. All previously granted AR exemptions are automatically terminated upon issuance of a new AR of which the exemption was granted or when the approved timetable needed to comply has been reached.
- I. The Warden/Director shall notify the Deputy Commissioner of Programs when approved exemption requests are no longer needed.
- J. The Deputy Commissioner of Programs will notify the Commissioner when the exemption request is no longer needed.

VI. DISPOSITION

Any forms will be disposed of and retained according to the Departmental Records Disposition Authority.

VII. FORMS

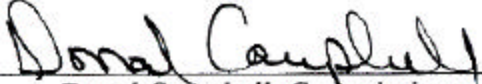
ADOC Form 003, Administrative Regulation Exemption Request

VIII. SUPERCEDES

This regulation is a new regulation established for policy and procedure exemptions.

IX. PERFORMANCE

This section is not used for this regulation.



Donal Campbell, Commissioner

