

ATTACHMENT J 1 Wage Determination.txt

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REGISTER OF WAGE DETERMINATIONS UNDER  
THE SERVICE CONTRACT ACT  
By direction of the Secretary of Labor

U. S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
WAGE AND HOUR DIVISION  
WASHINGTON D. C. 20210

Shirley F. Ebbesen                      Division of  
Director                                  Wage Determinations

Wage Determination No. : 2005-2103  
Revision No. : 7  
Date Of Revision: 03/16/2009

States: District of Columbia, Maryland, Virginia

Area: District of Columbia Statewide  
Maryland Counties of Calvert, Charles, Frederick, Montgomery, Prince George's, St  
Mary's  
Virginia Counties of Alexandria, Arlington, Fairfax, Falls Church, Fauquier, King  
George, Loudoun, Prince William, Stafford

\*\*Fringe Benefits Required Follow the Occupational Listing\*\*

OCCUPATION CODE - TITLE	MINIMUM WAGE RATE
01000 - Administrative Support And Clerical Occupations	
01011 - Accounting Clerk I	14.05
01012 - Accounting Clerk II	15.78
01013 - Accounting Clerk III	20.27
01020 - Administrative Assistant	28.55
01040 - Court Reporter	19.95
01051 - Data Entry Operator I	14.38
01052 - Data Entry Operator II	15.69
01060 - Dispatcher, Motor Vehicle	16.94
01070 - Document Preparation Clerk	14.21
01090 - Duplicating Machine Operator	14.21
01111 - General Clerk I	13.92
01112 - General Clerk II	15.32
01113 - General Clerk III	18.74
01120 - Housing Referral Assistant	25.29
01141 - Messenger Courier	12.38
01191 - Order Clerk I	14.85
01192 - Order Clerk II	16.29
01261 - Personnel Assistant (Employment) I	17.31
01262 - Personnel Assistant (Employment) II	19.36
01263 - Personnel Assistant (Employment) III	21.66
01270 - Production Control Clerk	22.03
01280 - Recepti onist	14.12
01290 - Rental Clerk	16.55
01300 - Scheduler, Maintenance	17.49
01311 - Secretary I	17.49
01312 - Secretary II	19.70
01313 - Secretary III	25.29
01320 - Service Order Dispatcher	16.10
01410 - Supply Technician	28.55
01420 - Survey Worker	19.46
01531 - Travel Clerk I	12.92
01532 - Travel Clerk II	13.89
01533 - Travel Clerk III	14.92
01611 - Word Processor I	14.21
01612 - Word Processor II	16.65

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01613 - Word Processor III	19.95
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	25.26
05010 - Automotive Electrician	23.51
05040 - Automotive Glass Installer	22.15
05070 - Automotive Worker	22.15
05110 - Mobile Equipment Servicer	19.04
05130 - Motor Equipment Metal Mechanic	24.78
05160 - Motor Equipment Metal Worker	22.15
05190 - Motor Vehicle Mechanic	24.78
05220 - Motor Vehicle Mechanic Helper	18.49
05250 - Motor Vehicle Upholstery Worker	21.63
05280 - Motor Vehicle Wrecker	22.15
05310 - Painter, Automotive	23.51
05340 - Radiator Repair Specialist	22.15
05370 - Tire Repairer	14.44
05400 - Transmission Repair Specialist	24.78
07000 - Food Preparation And Service Occupations	
07010 - Baker	13.48
07041 - Cook I	11.97
07042 - Cook II	13.28
07070 - Dishwasher	9.82
07130 - Food Service Worker	10.66
07210 - Meat Cutter	17.04
07260 - Waiter/Waitress	9.70
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	18.05
09040 - Furniture Handler	12.78
09080 - Furniture Refinisher	18.39
09090 - Furniture Refinisher Helper	14.11
09110 - Furniture Repairer, Minor	16.31
09130 - Upholsterer	18.05
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	10.50
11060 - Elevator Operator	10.50
11090 - Gardener	16.22
11122 - Housekeeping Aide	11.25
11150 - Janitor	11.25
11210 - Laborer, Grounds Maintenance	12.47
11240 - Maid or Houseman	11.03
11260 - Pruner	11.37
11270 - Tractor Operator	14.66
11330 - Trail Maintenance Worker	12.47
11360 - Window Cleaner	11.68
12000 - Health Occupations	
12010 - Ambulance Driver	19.46
12011 - Breath Alcohol Technician	18.55
12012 - Certified Occupational Therapist Assistant	21.01
12015 - Certified Physical Therapist Assistant	21.01
12020 - Dental Assistant	16.97
12025 - Dental Hygienist	40.68
12030 - EKG Technician	25.95
12035 - Electroneurodiagnostic Technologist	25.95
12040 - Emergency Medical Technician	20.41
12071 - Licensed Practical Nurse I	18.82
12072 - Licensed Practical Nurse II	21.09
12073 - Licensed Practical Nurse III	23.47
12100 - Medical Assistant	14.89
12130 - Medical Laboratory Technician	18.04
12160 - Medical Record Clerk	16.06
12190 - Medical Record Technician	18.27
12195 - Medical Transcriptionist	18.77
12210 - Nuclear Medicine Technologist	34.18

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12221 - Nursing Assistant I	10.47
12222 - Nursing Assistant II	11.77
12223 - Nursing Assistant III	13.02
12224 - Nursing Assistant IV	14.62
12235 - Optical Dispenser	20.17
12236 - Optical Technician	14.41
12250 - Pharmacy Technician	16.47
12280 - Phlebotomist	14.62
12305 - Radiologic Technologist	28.28
12311 - Registered Nurse I	26.73
12312 - Registered Nurse II	32.41
12313 - Registered Nurse II, Specialist	32.41
12314 - Registered Nurse III	38.98
12315 - Registered Nurse III, Anesthetist	38.98
12316 - Registered Nurse IV	46.73
12317 - Scheduler (Drug and Alcohol Testing)	19.75
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	19.86
13012 - Exhibits Specialist II	24.61
13013 - Exhibits Specialist III	30.09
13041 - Illustrator I	20.48
13042 - Illustrator II	25.38
13043 - Illustrator III	31.03
13047 - Librarian	30.80
13050 - Library Aide/Clerk	14.21
13054 - Library Information Technology Systems Administrator	27.82
13058 - Library Technician	19.89
13061 - Media Specialist I	18.73
13062 - Media Specialist II	20.95
13063 - Media Specialist III	23.36
13071 - Photographer I	16.14
13072 - Photographer II	18.90
13073 - Photographer III	23.67
13074 - Photographer IV	28.65
13075 - Photographer V	30.69
13110 - Video Teleconference Technician	19.35
14000 - Information Technology Occupations	
14041 - Computer Operator I	18.54
14042 - Computer Operator II	20.74
14043 - Computer Operator III	23.12
14044 - Computer Operator IV	25.69
14045 - Computer Operator V	28.45
14071 - Computer Programmer I (1)	25.43
14072 - Computer Programmer II (1)	
14073 - Computer Programmer III (1)	
14074 - Computer Programmer IV (1)	
14101 - Computer Systems Analyst I (1)	
14102 - Computer Systems Analyst II (1)	
14103 - Computer Systems Analyst III (1)	
14150 - Peripheral Equipment Operator	18.54
14160 - Personal Computer Support Technician	25.69
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	35.71
15020 - Aircrew Training Devices Instructor (Rated)	43.84
15030 - Air Crew Training Devices Instructor (Pilot)	52.55
15050 - Computer Based Training Specialist / Instructor	34.39
15060 - Educational Technologist	32.75
15070 - Flight Instructor (Pilot)	52.55
15080 - Graphic Artist	26.80
15090 - Technical Instructor	25.08
15095 - Technical Instructor/Course Developer	30.67
15110 - Test Proctor	20.20
15120 - Tutor	20.20

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16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	9.44
16030 - Counter Attendant	9.44
16040 - Dry Cleaner	12.21
16070 - Finisher, Flatwork, Machine	9.44
16090 - Presser, Hand	9.44
16110 - Presser, Machine, Drycleaning	9.44
16130 - Presser, Machine, Shirts	9.44
16160 - Presser, Machine, Wearing Apparel, Laundry	9.44
16190 - Sewing Machine Operator	13.07
16220 - Tailor	13.90
16250 - Washer, Machine	10.41
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	19.22
19040 - Tool And Die Maker	23.38
21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	17.90
21030 - Material Coordinator	22.03
21040 - Material Expediter	22.03
21050 - Material Handling Laborer	12.92
21071 - Order Filler	13.87
21080 - Production Line Worker (Food Processing)	17.90
21110 - Shipping Packer	14.46
21130 - Shipping/Receiving Clerk	14.46
21140 - Store Worker I	11.44
21150 - Stock Clerk	16.46
21210 - Tools And Parts Attendant	17.90
21410 - Warehouse Specialist	17.90
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	25.68
23021 - Aircraft Mechanic I	24.46
23022 - Aircraft Mechanic II	25.68
23023 - Aircraft Mechanic III	26.97
23040 - Aircraft Mechanic Helper	16.61
23050 - Aircraft, Painter	23.42
23060 - Aircraft Servicer	18.71
23080 - Aircraft Worker	19.90
23110 - Appliance Mechanic	21.62
23120 - Bicycle Repairer	14.43
23125 - Cable Splicer	25.61
23130 - Carpenter, Maintenance	20.99
23140 - Carpet Layer	19.33
23160 - Electrician, Maintenance	27.43
23181 - Electronics Technician Maintenance I	23.70
23182 - Electronics Technician Maintenance II	25.15
23183 - Electronics Technician Maintenance III	26.50
23260 - Fabric Worker	19.01
23290 - Fire Alarm System Mechanic	22.78
23310 - Fire Extinguisher Repairer	17.52
23311 - Fuel Distribution System Mechanic	22.81
23312 - Fuel Distribution System Operator	19.38
23370 - General Maintenance Worker	21.43
23380 - Ground Support Equipment Mechanic	24.46
23381 - Ground Support Equipment Servicer	18.71
23382 - Ground Support Equipment Worker	19.90
23391 - Gunsmith I	17.52
23392 - Gunsmith II	20.38
23393 - Gunsmith III	22.78
23410 - Heating, Ventilation And Air-Conditioning Mechanic	22.94
23411 - Heating, Ventilation And Air Contdtitioning Mechanic (Research Facility)	
24.37	
23430 - Heavy Equipment Mechanic	22.78
23440 - Heavy Equipment Operator	22.78

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23460 - Instrument Mechanic	22.59
23465 - Laboratory/Shelter Mechanic	21.62
23470 - Laborer	14.27
23510 - Locksmith	21.11
23530 - Machinery Maintenance Mechanic	22.99
23550 - Machinist, Maintenance	21.78
23580 - Maintenance Trades Helper	16.61
23591 - Metrology Technician I	22.59
23592 - Metrology Technician II	23.80
23593 - Metrology Technician III	24.96
23640 - Millwright	28.19
23710 - Office Appliance Repairer	22.96
23760 - Painter, Maintenance	21.62
23790 - Pipefitter, Maintenance	23.19
23810 - Plumber, Maintenance	20.99
23820 - Pneudraulic Systems Mechanic	22.78
23850 - Rigger	22.78
23870 - Scale Mechanic	20.38
23890 - Sheet-Metal Worker, Maintenance	22.78
23910 - Small Engine Mechanic	20.38
23931 - Telecommunications Mechanic I	27.74
23932 - Telecommunications Mechanic II	29.24
23950 - Telephone Lineman	26.38
23960 - Welder, Combination, Maintenance	22.78
23965 - Well Driller	22.78
23970 - Woodcraft Worker	22.78
23980 - Woodworker	17.52
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	12.79
24580 - Child Care Center Clerk	17.77
24610 - Chore Aide	10.52
24620 - Family Readiness And Support Services Coordinator	15.68
24630 - Homemaker	18.43
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	27.10
25040 - Sewage Plant Operator	20.73
25070 - Stationary Engineer	27.10
25190 - Ventilation Equipment Tender	19.08
25210 - Water Treatment Plant Operator	20.73
27000 - Protective Service Occupations	
27004 - Alarm Monitor	20.57
27007 - Baggage Inspector	12.66
27008 - Corrections Officer	22.25
27010 - Court Security Officer	23.33
27030 - Detection Dog Handler	20.57
27040 - Detention Officer	22.25
27070 - Firefighter	22.39
27101 - Guard I	12.66
27102 - Guard II	20.57
27131 - Police Officer I	26.14
27132 - Police Officer II	28.99
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	13.59
28042 - Carnival Equipment Repairer	14.63
28043 - Carnival Equipment Worker	9.24
28210 - Gate Attendant/Gate Tender	13.01
28310 - Lifeguard	11.59
28350 - Park Attendant (Aide)	14.56
28510 - Recreation Aide/Health Facility Attendant	10.62
28515 - Recreation Specialist	18.04
28630 - Sports Official	11.59
28690 - Swimming Pool Operator	18.21
29000 - Stevedoring/Longshoremen Occupational Services	

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29010 - Blocker And Bracer	23.13
29020 - Hatch Tender	23.13
29030 - Line Handler	23.13
29041 - Stevedore I	21.31
29042 - Stevedore II	24.24
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (2)	38.00
30011 - Air Traffic Control Specialist, Station (HFO) (2)	26.21
30012 - Air Traffic Control Specialist, Terminal (HFO) (2)	28.86
30021 - Archeological Technician I	18.93
30022 - Archeological Technician II	21.11
30023 - Archeological Technician III	27.56
30030 - Cartographic Technician	27.56
30040 - Civil Engineering Technician	24.01
30061 - Drafter/CAD Operator I	19.89
30062 - Drafter/CAD Operator II	22.25
30063 - Drafter/CAD Operator III	24.80
30064 - Drafter/CAD Operator IV	30.52
30081 - Engineering Technician I	21.63
30082 - Engineering Technician II	24.29
30083 - Engineering Technician III	27.17
30084 - Engineering Technician IV	33.66
30085 - Engineering Technician V	41.16
30086 - Engineering Technician VI	49.81
30090 - Environmental Technician	24.92
30210 - Laboratory Technician	23.38
30240 - Mathematical Technician	28.94
30361 - Paralegal/Legal Assistant I	21.36
30362 - Paralegal/Legal Assistant II	26.47
30363 - Paralegal/Legal Assistant III	32.36
30364 - Paralegal/Legal Assistant IV	39.16
30390 - Photo-Optics Technician	27.56
30461 - Technical Writer I	21.84
30462 - Technical Writer II	26.70
30463 - Technical Writer III	32.31
30491 - Unexploded Ordnance (UXO) Technician I	24.15
30492 - Unexploded Ordnance (UXO) Technician II	29.22
30493 - Unexploded Ordnance (UXO) Technician III	35.03
30494 - Unexploded (UXO) Safety Escort	24.15
30495 - Unexploded (UXO) Sweep Personnel	24.15
30620 - Weather Observer, Combined Upper Air Or Surface Programs (2)	24.80
30621 - Weather Observer, Senior (2)	27.56
31000 - Transportation/Mobile Equipment Operation Occupations	
31020 - Bus Aide	13.02
31030 - Bus Driver	18.95
31043 - Driver Courier	12.71
31260 - Parking and Lot Attendant	10.07
31290 - Shuttle Bus Driver	14.69
31310 - Taxi Driver	13.98
31361 - Truckdriver, Light	14.69
31362 - Truckdriver, Medium	17.18
31363 - Truckdriver, Heavy	18.42
31364 - Truckdriver, Tractor-Trailer	18.42
99000 - Miscellaneous Occupations	
99030 - Cashier	10.03
99050 - Desk Clerk	11.58
99095 - Embalmer	23.05
99251 - Laboratory Animal Caretaker I	11.30
99252 - Laboratory Animal Caretaker II	12.35
99310 - Mortician	31.73
99410 - Pest Controller	16.01
99510 - Photofinishing Worker	12.75
99710 - Recycling Laborer	16.82

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99711 - Recycling Specialist	20.65
99730 - Refuse Collector	14.91
99810 - Sales Clerk	12.09
99820 - School Crossing Guard	13.43
99830 - Survey Party Chief	21.94
99831 - Surveying Aide	13.63
99832 - Surveying Technician	20.85
99840 - Vending Machine Attendant	14.43
99841 - Vending Machine Repairer	18.73
99842 - Vending Machine Repairer Helper	14.43

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.24 per hour or \$129.60 per week or \$561.60 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; 3 weeks after 5 years, and 4 weeks after 15 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

1) COMPUTER EMPLOYEES: Under the SCA at section 8(b), this wage determination does not apply to any employee who individually qualifies as a bona fide executive, administrative, or professional employee as defined in 29 C.F.R. Part 541. Because most Computer System Analysts and Computer Programmers who are compensated at a rate not less than \$27.63 (or on a salary or fee basis at a rate not less than \$455 per week) an hour would likely qualify as exempt computer professionals, (29 C.F.R. 541.400) wage rates may not be listed on this wage determination for all occupations within those job families. In addition, because this wage determination may not list a wage rate for some or all occupations within those job families if the survey data indicates that the prevailing wage rate for the occupation equals or exceeds \$27.63 per hour conformances may be necessary for certain nonexempt employees. For example, if an individual employee is nonexempt but nevertheless performs duties within the scope of one of the Computer Systems Analyst or Computer Programmer occupations for which this wage determination does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and

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related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

\*\* UNIFORM ALLOWANCE \*\*

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the

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"Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A link to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE {Standard Form 1444 (SF 1444)}

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. {See Section 4.6 (C)(vi)} When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation) and computes a proposed rate).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide

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classifications listed in the wage determination.

# YOUR LETTERHEAD

## EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY STATEMENT

\_\_\_\_\_ SHALL NOT DISCRIMINATE AGAINST ANY EMPLOYEE OR APPLICANT FOR EMPLOYMENT BECAUSE OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS.

\_\_\_\_\_ AGREES TO AFFIRMATIVE ACTION TO ENSURE THAT APPLICANTS ARE EMPLOYED, AND THAT EMPLOYEES ARE TREATED DURING EMPLOYMENT WITHOUT REGARD TO THEIR ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. THE AFFIRMATIVE ACTION SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING: (A) EMPLOYMENT, UPGRADING, OR TRANSFER; (B) RECRUITMENT OR RECRUITMENT ADVERTISING; (C) DEMOTION, LAYOFF, OR TERMINATION; (D) RATES OF PAY, OR OTHER FORMS OR COMPENSATION; AND (E) SELECTION FOR TRAINING AND APPRENTICESHIP.

\_\_\_\_\_ AGREES TO POST IN CONSPICUOUS PLACES THE PROVISIONS CONCERNING NON-DISCRIMINATION AND AFFIRMATIVE ACTION.

\_\_\_\_\_ SHALL STATE THAT ALL QUALIFIED APPLICANTS WILL RECEIVE CONSIDERATION FOR EMPLOYMENT PURSUANT TO SUBSECTION 1103.2 THROUGH 1103.10 OF MAYOR'S ORDER 85-85; "EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS IN CONTRACTS."

\_\_\_\_\_ AGREES TO PERMIT ACCESS TO ALL BOOKS PERTAINING TO ITS EMPLOYMENT PRACTICES, AND TO REQUIRE EACH SUBCONTRACTOR TO PERMIT ACCESS TO BOOKS AND RECORDS.

\_\_\_\_\_ AGREES TO COMPLY WITH ALL GUIDELINES FOR EQUAL EMPLOYMENT OPPORTUNITY APPLICABLE IN THE DISTRICT OF COLUMBIA.

\_\_\_\_\_ SHALL INCLUDE IN EVERY SUBCONTRACT THE EQUAL OPPORTUNITY CLAUSES, SUBSECTION 1103.2 THROUGH 1103.10 SO THAT SUCH PROVISIONS SHALL BE BINDING UPON EACH SUBCONTRACTOR OR VENDOR.

\_\_\_\_\_  
AUTHORIZED OFFICIAL AND TITLE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
AUTHORIZED SIGNATURE  
NAME

\_\_\_\_\_  
FIRM/ORGANIZATION

# YOUR LETTERHEAD

## ASSURANCE OF COMPLIANCE WITH EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

MAYOR'S ORDER 85-85, EFFECTIVE JUNE 10, 1985, AND THE RULES IMPLEMENTING MAYORS ORDER 85-85, 33 DCR 4952, (PUBLISHED AUGUST 15, 1986), "ON COMPLIANCE WITH EQUAL OPPORTUNITY REQUIREMENTS IN DISTRICT GOVERNMENT CONTRACTS," ARE HEREBY INCLUDED AS PART OF THIS BID/PROPOSAL. THEREFORE, EACH BIDDER/OFFEROR SHALL INDICATE BELOW THEIR WRITTEN COMMITMENT TO ASSURE COMPLIANCE WITH MAYOR'S ORDER 85-85 AND THE IMPLEMENTING RULES. FAILURE TO COMPLY WITH THE SUBJECT MAYOR'S ORDER AND THE IMPLEMENTING RULES SHALL RESULT IN REJECTION OF THE RESPECTIVE BID/PROPOSAL.

I, \_\_\_\_\_, THE AUTHORIZED REPRESENTATIVE OF \_\_\_\_\_, HEREINAFTER REFERRED TO AS "THE CONTRACTOR," CERTIFY THT THE CONTRATOR IS FULLY AWARE OF ALL OF THE PROVISIONS OF MAYOR'S ORDER 85-85, EFFECTIVE JUNE 10, 1985, AND OF THE RULES IMPLEMENTING MAYOR'S ORDER 85-85, 33 DCR 4952. I FURTHER CERTIFY AND ASSURE THAT THE CONTRACTOR WILL FULLY COMPLY WITH ALL APPLICABLE PROVISIONS OF THE MAYOR'S ORDER AND IMPLEMENTING RULES IF AWARDED THE D.C. GOVERNMENT REFERENCED BY THE CONTRACT NUMBER ENTERED BELOW. FURTHER, THE CONTRACTOR ACKNOWLEDGES AND UNDERSTANDS THAT THE AWARD OF SAID CONTRACT AND ITS CONTINUATION ARE SPECIFICALLY CONDITIONED UPON THE CONTRACTOR'S COMPLIANCE WITH THE ABOVE-CITED ORDER AND RULES.

\_\_\_\_\_  
CONTRACTOR

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
CONTRACT NUMBER

\_\_\_\_\_  
DATE

# EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER INFORMATION REPORT

GOVERNMENT OF THE DISTRICT OF COLUMBIA DC Office of Contracting and Procurement Employer Information Report (EEO)	Reply to: Office of Contracting and Procurement 441 4 <sup>th</sup> Street, NW, Suite 700 South Washington, DC 20001
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**Instructions:**  
 Two (2) copies of DAS 84-404 or Federal Form EEO-1 shall be submitted to the Office of Contracting and Procurement.  
 One copy shall be retained by the Contractor.

### Section A – TYPE OF REPORT

1. Indicate by marking in the appropriate box the type of reporting unit for which this copy of the form is submitted (MARK ONLY ONE BOX)

Single Establishment Employer (1) Single-establishment Employer Report	Multi-establishment Employer: (2) <input type="checkbox"/> Consolidated Report (3) <input type="checkbox"/> Headquarters Report (4) <input type="checkbox"/> Individual Establishment Report (submit one for each establishment with 25 or more employees) (5) <input type="checkbox"/> Special Report
---	--

1. Total number of reports being filed by this Company. \_\_\_\_\_

### Section B – COMPANY IDENTIFICATION *(To be answered by all employers)*

1. Name of Company which owns or controls the establishment for which this report is filed OFFICIAL USE ONLY

Address (Number and street)	City or Town	Country	State	Zip Code	b.
-----------------------------	--------------	---------	-------	----------	----

b. Employer Identification No.

2. Establishment for which this report is filed. OFFICIAL USE ONLY

a. Name of establishment c.

Address (Number and street)	City or Town	Country	State	Zip Code	d.
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b. Employer Identification No.

3. Parent of affiliated Company

a. Name of parent or affiliated Company	b. Employer Identification No.	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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Address (Number and Street)	City or Town	Country	State	Zip Code
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### Section C - ESTABLISHMENT INFORMATION

1. Is the location of the establishment the same as that reported last year? Yes    No    Did not report last year    Report on combined basis	2. Is the major business activity at this establishment the same as that reported last year? Yes    No    No report last year    Reported on combined basis	OFFICIAL USE ONLY
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2. What is the major activity of this establishment? (Be specific, i.e., manufacturing steel castings, retail grocer, wholesale plumbing supplies, title insurance, etc. Include the specific type of product or service provided, as well as the principal business or industrial activity. e.

3. MINORITY GROUP MEMBERS: Indicate if you are a minority business enterprise (50% owned or 51% controlled by minority members).  
Yes    No

**SECTION D – EMPLOYMENT DATA**

Employment at this establishment – Report all permanent, temporary, or part-time employees including apprentices and on-the-job trainees unless specifically excluded as set forth in the instructions. Enter the appropriate figures on all lines and in all columns. Blank spaces will be considered as zero. *In columns 1, 2, and 3, include ALL employees in the establishment including those in minority groups*

JOB CATEGORIES	TOTAL EMPLOYEES IN ESTABLISHMENT			MINORITY GROUP EMPLOYEES								
	Total Employees Including Minorities (1)	Total Male Including Minorities (2)	Total Female Including Minorities (3)	MALE				FEMALE				
				Black (4)	Asian (5)	American Indian (6)	Hispanic (7)	Black (8)	Asian (9)	American Indian (10)	Hispanic (11)	
Officials and Managers												
Professionals												
Technicians												
Sales Workers												
Office and Clerical												
Craftsman (Skilled)												
Operative (Semi-Skilled)												
Laborers (Unskilled)												
Service Workers												
TOTAL												
Total employ reported in previous report												

(The trainee below should also be included in the figures for the appropriate occupation categories above)

Formal On-The-Job Trainee	White collar	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Production											

- |  |  |
|--|--|
| 1. How was information as to race or ethnic group in Section D obtained? | 2. Dates of payroll period used                                      |
| a. Visual Survey   | c. Other Specify _____   |
| b. Employment Record _____   | 3. Pay period of last report submitted for this establishment. _____ |

**Section E – REMARKS** Use this Item to give any identification data appearing on last report which differs from that given above, explain major changes in composition or reporting units, and other pertinent information.

**Section F - CERTIFICATION**

- Check One
- |  |
|--|
| 1. All reports are accurate and were prepared in accordance with the instructions (check on consolidated only) |
| 2. This report is accurate and was prepared in accordance with the instructions.                               |

Name of Authorized Official	Title	Signature	Date
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Name of person contact regarding This report (Type of print)	Address (Number and street)
--	-----------------------------

Title	City and State	Zip Code	Telephone Number	Extension
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INFORMATION CITED HEREIN SHALL BE HELD IN CONFIDENCE.

DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT  
CONTRACT COMPLIANCE DIVISION

SUBCONTRACT SUMMARY FORM

This SUMMARY form is to be completed by the PRIME contractor.

BID NO. \_\_\_\_\_ CCB NUMBER: \_\_\_\_\_ of \_\_\_\_\_ pages

\* NOTE: The standard for minority subcontracting is 25% of the TOTAL contract dollar amount to be subcontracted.

AMOUNT OF PRIME CONTRACT: \$ \_\_\_\_\_  
AMOUNT OF ALL SUBCONTRACTS: \$ \_\_\_\_\_ equals \_\_\_\_\_% OF THE PRIME CONTRACT.

NAME OF PRIME CONTRACTOR:

ADDRESS:

TELEPHONE NO.:

PROJECT NAME:  
ADDRESS:

PROJECT DESCRIPTIONS:

WARD NO.: \_\_\_\_\_

**SECTION II LIST ALL SUBCONTRACTORS THAT WILL BE UTILIZED ON THE ABOVE PROJECT**

1. NAME OF SUBCONTRACTOR 2. ADDRESS 3. CONTACT PERSON 4. MBOC CERT. NO.                      5. PHONE NO.	1. IS THIS A *MINORITY SUB? ____ YES ____ NO 2. TRADE OR BUSINESS PRODUCT THAT SUB WILL PROVIDE.	1. \$ AMOUNT OF SUBCONTRACT equals( = ) 2. _____% (percent) OF TOTAL PRIME CONTRACT.
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%
1. _____ 2. _____ 3. _____ 4. _____                      5. _____	1. MINORITY SUBCONTRACTOR ____ YES ____ NO 2. _____	1. \$ _____ equals( = ) 2. _____%

TOTAL DOLLAR AMOUNT SUBCONTRACTED TO \*MINORITY BUSINESS ENTERPRISES. \$ \_\_\_\_\_

PERCENT OF PRIME CONTRACT. \_\_\_\_\_%

SOLICITATION NO: \_\_\_\_\_

**PROJECTED GOALS AND TIMETABLES FOR FUTURE HIRING**

MINORITY GROUP EMPLOYEES GOALS					TIMETABLES				
JOB CATEGORIES	MALE				FEMALE				
	BLACK	ASIAN	AMERICAN INDIAN	HISPANIC	BLACK	ASIAN	AMERICAN INDIAN	HISPANIC	
OFFICIALS & MANAGERS									
PROFESSIONALS									
TECHNICIANS									
SALES WORKERS									
OFFICE AND CLERICAL									
CRAFTSMANS (SKILLELD)									
OPERATIVE (SEMI-SKILLED)									
LABORERS (UNSKILLED)									
SERVICE WORKERS									
TOTALS									
NAME OF AUTHORIZED OFFICIAL:				TITLE:			SIGNATURE:		
FIRM NAME:					TELEPHONE NO:		DATE:		
INDICATE IF THE PRIME UTILIZES A <u>“MINORITY FINANCIAL INSTITUTION”</u> _____ Yes    _____ No  NAME:  ADDRESS:  TYPE OF ACCOUNT/S:									

**District of Columbia Register**  
**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

SUBJECT: Compliance with Equal Opportunity Obligations in Contracts

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by Section 422 of the District of Columbia self-government and Government Reorganization Act of 1973 as amended, D.C. Code section 1-242 (1981-Ed.), it is hereby ORDERED that Commissioner's Order No. 73-51, dated February 28, 1973, is hereby rescinded and reissued in its entirety to read as follows:

1. Establishment of Policy: There is established a policy of the District of Columbia Government to:
  - (a) provide equal opportunity in employment for all persons with respect to any contract by and with the Government of the District of Columbia.
  - (b) prohibit discrimination in employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap;
  - (c) provide equal opportunity to all persons for participation in all District of Columbia Government contracts, including but not limited to lease agreements, Industrial Revenue Bond financing, and Urban Development Action grants;
  - (d) provide equal opportunity to minority business enterprises in the performance of District of Columbia Government contracts in accordance with Mayor's Orders, District of Columbia laws, and rules and regulations promulgated by the Minority Business Opportunity Commission; and
  - (e) promote the full realization of equal employment through affirmative, continuing programs by contractors and subcontractors in the performance of contracts with the District of Columbia Government.
2. Delegation of Authority: The Director of the Office of Human Rights (hereinafter "Director") is delegated the authority vested in the Mayor to implement the provisions of this order as set forth herein, and any rules, regulations, guidelines, and procedures adopted pursuant thereto.
3. Responsibilities: The Director of the Office of Human Rights shall be responsible for establishing and ensuring agency compliance with the policy set forth in this Order, any rules, regulations, and procedures that may be adopted by the Office of Human Rights pursuant to this Order, and any other equal opportunity provisions as may be added as a part of any contract.
4. Powers and Duties: The Director of the Office of Human Rights shall have the following powers and duties:
  - (a) to establish standards and procedures by which contractors and subcontractors who perform under District of Columbia Government contracts shall comply with the equal opportunity provisions of their contracts; to issue all orders, rules, regulations, guidelines, and procedures the Director may deem necessary and proper for carrying out and implementing the purposes of this Order;
  - (b) to assume equal opportunity compliance jurisdiction over any matter pending before a contracting agency where the Director considers it necessary or appropriate for the achievement of the purposes of

this Order, keep the contracting agency informed of all actions taken, and act through the contracting agency to the extent appropriate and practicable;

- (c) to examine the employment practices of any District of Columbia Government contractor or subcontractor, or initiate the examination by the appropriate contracting agency to determine whether or not the contractual provisions specified in any rules and regulations adopted pursuant to this Order have been violated, and notify the contracting agency of any action taken or recommended;
- (d) to monitor and evaluate all District of Columbia Government agencies, including those independent agencies and commissions not required to submit the Affirmative Action Programs of their contractors to the Office of Human Rights for approval, to ensure compliance with the equal opportunity obligations in contracts;
- (e) to use his or her best efforts to cause any labor union engaged in work under District of Columbia Government contracts, any referral, recruiting or training agency, or any other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate in and to comply with the implementation of the purposes of this Order;
- (f) to notify, when appropriate, the concerned contracting agencies, the Office of Federal Contract Compliance Programs, the U.S. Department of Justice, or other appropriate Federal, State, and District agencies, whenever the Director has reason to believe that practices of any contractor, labor organization, lending institution, insurance firm, or agency violate provisions of Federal, State, or District, laws;
- (g) to enter, where the determinations are made by Federal, State, or District agencies, into reciprocal agreements with those agencies to receive the appropriate information;
- (h) to hold hearings, public or private, as necessary to obtain compliance with any rules, regulations, and procedures promulgated pursuant to this Order, and to issue orders relating thereto. No order to terminate or cancel a contract, or to withhold from any contractor further District of Columbia Government contractors shall be issued without affording the contractor an opportunity for a hearing. Any order to terminate or cancel a contract or to withhold from any contractor further District of Columbia Government contracts shall be issued in accordance with rules, and regulations pursuant to the Administrative Procedure Act, as amended and;
- (i) to grant waivers from the minimum standards for the employment of minorities and women in Affirmative Action Programs in exceptional cases, as circumstances may warrant.

5. Duties of Contracting Agencies: Each contracting agency shall have the following duties:

- (a) the initial responsibility for ensuring that contractors and subcontractors are in compliance with any rules, regulations, and procedures promulgated pursuant to this Order;
- (b) to examine the employment practices of contractors and subcontractors in accordance with procedures established by the Office of Human Rights, and report any compliance action to the Director of the Office of Human Rights;
- (c) to comply with the terms of this Order and of the orders, rules, regulations, guidelines, and procedures of the Office of Human Rights issued pursuant thereto in discharging their responsibility for securing contract compliance; and
- (d) to secure compliance with any rules, regulations, and procedures promulgated pursuant to this Order before or after the execution of a contract by methods, of conference, conciliation and persuasion. No enforcement proceedings shall be initiated, nor shall a contract be cancelled or terminated in whole or in part, unless such methods have first been attempted.

6. Procedures: The procedures to be followed in implementing this Order shall be those set forth in

Orders, rules, regulations, and guidelines as may be promulgated by the Office of Human Rights.

7. Severability: If any section, subsection, sentence, clause, phrase, or portion of the provisions in this Order is for any reason declared by any court of competent jurisdiction to be invalid or unconstitutional, such section, subsection, sentence, clause, phrase, or portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions of this order.
8. Effective Date: This Order shall become effective immediately.

Signed by Marion Barry, Jr.  
Mayor

ATTEST: Signed by Clifton B. Smith  
Secretary of the District of Columbia

**OFFICE OF HUMAN RIGHTS**

**NOTICE OF FINAL RULEMAKING**

The Director of the Office of Human Rights hereby gives notice of the adoption of the following final rules governing standards and procedures for equal employment opportunity applicable to contractors and subcontractors under District of Columbia Government Contracts. Notice of Proposed Rulemaking was published for public comment in the D.C. Register on April 11, 1986 at 33 DCR 2243. Based on some the comments received and upon further review by the Office of Human Rights, minor revisions were made in the rules at the following subsections: 1104.1, 1104.2, 1104.4, 1104.13, 1104.17(e) (5), 1104.28, 1107.1, 1199.1, and at page 15 the definition of minority was written out in addition to citing its D.C. Code. None of the revisions change the intent of the proposed final rules. Final action to adopt these final rules was taken on August 4, 1986, and will be effective upon publication of this notice in the Register.

**CHAPTER 11 EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS IN CONTRACTS**

1100. PURPOSE

1100.1 These rules shall govern standards and procedures to be followed by contractors and subcontractors performing under District of Columbia Government contracts for goods and services, including construction contracts, for the purpose of assuring equal employment opportunity for minorities and women.

1100.2 These rules establish requirements for contractors and subcontractors regarding their commitment to observe specific standards for the employment of minorities and women and to achieve affirmative action obligations under District of Columbia contracts. These rules are not intended nor shall be used to discriminate against any qualified applicant for employment or employee.

1101 SCOPE

1101.1 Except as hereinafter exempted, the provisions of this chapter shall apply to all District of Columbia Government contracts subject to Mayor's Order No. 85-85, and any rules, regulations, and procedures promulgated pursuant to that Mayor's Order.

1102 COVERAGE

1102.1 The provisions of this chapter shall govern the processing of any matter before the Office Human Rights involving the following:

- (a) Discrimination in employment on grounds of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap by any District of Columbia Government contractor; and
- (b) Achievement of affirmative action obligations under District of Columbia contracts.

1103 CONTRACT PROVISIONS

1103.1 Each contract for goods and services, including construction contracts, except construction subcontracts for standard commercial supplies or raw materials, shall include as express contractual provisions the language contained in subsections 1103.2 through 1103.10.

1103.2 The contractor shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap.

- 1103.3 The contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, matriculation, political affiliation, or physical handicap. The affirmative action shall include, but not be limited to the following:
- (a) Employment, upgrading, or transfer;
  - (b) Recruitment or recruitment advertising;
  - (c) Demotion, layoff, or termination;
  - (d) Rates of pay, or other forms of compensation; and
  - (e) Selection for training and apprenticeship.
- 1103.4 The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Agency, setting forth the provisions in subsections 1103.2 and 1103.3 concerning non-discrimination and affirmative action.
- 1103.5 The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment pursuant to the non-discrimination requirements set forth in subsection 1103.2
- 1103.6 The contractor agrees to send to each labor union or representative of workers with which it has a collective bargaining agreement, or other contract or understanding, a notice to be provided by the Contracting Agency, advising each labor union or workers' representative of the contractor's commitments under this chapter, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- 1103.7 The contractor agrees to permit access to all books, records, and accounts, pertaining to its employment practices, by the Director and the Contracting Agency for purposes of investigation to ascertain compliance with this chapter, and to require under terms of any subcontractor agreement each subcontractor to permit access of such subcontractors, books, records, and accounts for such purposes.
- 1103.8 The contractor agrees to comply with the provisions of this chapter and with all guidelines for equal employment opportunity applicable in the District of Columbia adopted by the Director, or any authorized official.
- 1103.9 The prime contractor shall include in every subcontract the equal opportunity clauses, subsections 1103.2 through 1103.10 of this section, so that such provisions shall be binding upon each subcontractor or vendor.
- 1103.10 The prime contractor shall take such action with respect to any subcontractor as the Contracting Officer may direct as a means of enforcing these provisions, including sanctions for non-compliance; provided, however, that in the event the prime contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the prime contractor may request the District to enter into such litigation to protect the interest of the District.
- 1104 **AFFIRMATIVE ACTION PROGRAM**
- 1104.1 Each apparent low bidder for a construction contract shall complete and submit to the Contracting Agency, prior to the execution of any contract in the amount of twenty-five thousand dollars (\$25,000) or more, and each contractor covered under subsection 1105.1, an Affirmative Action Program to ensure equal opportunity which shall include specific standards for the utilization of minorities and women in the trades, crafts and skills to be used by the contractor in the performance of the contract.

- 1104.2 Each apparent low bidder or offeror for a non-construction contract shall complete and submit to the Contracting Agency, prior to the execution of any contract in the amount of ten thousand dollars (\$10,000) or more, and each contractor covered under subsection 1105.2 , an Affirmative Action Program to ensure equal opportunity which shall include specific standards for the utilization of minorities in the job categories specified in subsection 1108.4.
- 1104.3 To ensure equal opportunity each Affirmative Action Program shall include the following commitments:
- (a) With respect to construction contracts, each contractor shall certify that it will comply with the provisions of this chapter, and submit a personnel utilization schedule for all the trades the contractor is to utilize, indicating the actual numbers of minority and female workers that are expected to be a part of the workforce performing under the contract; and
  - (b) With respect to non-construction contracts, each contractor shall certify that it will comply with the provisions of this chapter, and shall submit a personnel utilization schedule indicating by craft and skill, the minority composition of the workforce related to the performance of the work under the contract. The schedule shall include all workers located in the facility from which the goods and services are produced and shall include the same information for other facilities which have a significant relationship to the performance of work under the contract.
- 1104.4 If the experience of the contractor with any local union from which it will secure employees indicates that the union will not refer sufficient minorities or women to meet minority or female employment commitments, the contractor shall, not less than ten (10) days prior to the employment of any person on the project subject to the jurisdiction of that local union, do the following:
- (a) Notify the District of Columbia Department of Employment Services and at least two (2) minority and two (2) female referral organizations of the contractor's personnel needs, and request referral of minority and female workers; and
  - (b) Notify any minority and female workers who have been listed with the contractors as awaiting vacancies.
- 1104.5 If, within five (5) working days prior to commencement of work, the contractor determines that the Department of Employment Services or the minority or female referral organizations are unable to refer sufficient minorities or women to meet its commitments, the contractor may take steps to hire, by referral or otherwise, from the local union membership to fill the remaining job openings, provided that it notifies the local union of its personnel needs and of its employment commitments. Evidence of the notification shall be provided to the Contracting Agency.
- 1104.6 The contractor shall have standing requests for additional referrals of minority and female workers with the local union, the Department of Employment Services, and the other referral sources, until such time as the contractor has met its minority and female employment commitments.
- 1104.7 If the contractor desires to lay off some of its employees in a given trade on a construction site, it shall ensure that the required number of minority and female employees remain on the site to meet the minority and female commitments.
- 1104.8 No contractor shall refuse employment to any individual who has minimal facility to speak English except where the contractor can demonstrate that the facility to speak English is necessary for the performance of the job.

- 1104.9 No union with which the contractor has a collective bargaining agreement shall refuse to refer minority and female employees to such contractor.
- 1104.10 To the extent that contractors have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their equal opportunity obligations, those contractors shall not be considered to be in compliance with this chapter.
- 1104.11 The obligations of the contractor shall not be reduced, modified, or subject to any provision in any collective bargaining agreement with labor organization which provides that the labor organizations shall have the exclusive or primary opportunity to refer employees.
- 1104.12 When any contractor employs a minority person or woman in order to comply with this chapter, those persons shall be advised of their right to seek union membership, the contractor shall provide whatever assistance may be appropriate to enable that person to obtain membership, and the contractor shall notify the appropriate union of that person's employment.
- 1104.13 The contractor shall not discharge, refuse to employ, or otherwise adversely affect any minority person or woman because of any provision in any collective bargaining agreement, or any understanding, written or oral that the contractor may have with any labor organization.
- 1104.14 If at any time, because of lack of cooperation or overt conduct, a labor organization impedes or interferes with the contractor's Affirmative Action Program, the contractor shall notify the Contracting Agency and the Director immediately, setting forth the relevant circumstances.
- 1104.15 In any proceeding involving a disagreement between a labor organization and the contractor over the implementation of the contractor's Affirmative Action Program, the Contracting Agency and the Office of Human Rights may become a party to the proceeding.
- 1104.16 In determining whether or not a contractor is utilizing minorities and females pursuant to Section 1108, consideration shall be given to the following factors:
- (a) The proportion of minorities and women employed in the trades and as laborers in the construction industry within the District of Columbia;
  - (b) The proportion of minorities and women employed in the crafts or as operatives in non-construction industries within the District of Columbia;
  - (c) The number and ratio of unemployed minorities and women to total unemployment in the District of Columbia;
  - (d) The availability of qualified and qualifiable minorities and women for employment in any comparable line of work, including where they are now working and how they may be brought into the contractor's workforce;
  - (e) The effectiveness of existing training programs in the area, including the number who complete training, the length and extent of training, employer experience with trainees, and the need for additional or expanded training programs; and
  - (f) The number of additional workers that could be absorbed into each trade or line of work without displacing present employees, including consideration of present employee shortages, projected growth of the trade or line of work, and projected employee turnover.
- 1104.17 The contractor's commitment to specific standards for the utilization of minorities and females as required under this chapter shall include a commitment to make every good faith effort to meet

those standards. If the contractor has failed to meet the standards, a determination of “good faith” shall be based upon the contractor’s documented equal opportunity efforts to broaden its equal employment program which shall include, but may not necessarily be limited to, the following requirements:

- (a) The contractor shall notify the community organizations that the contractor has employment opportunities available and shall maintain records of the organizations’ responses;
- (b) The contractor shall maintain a file of the names and addresses of each minority and female worker referred to it and what action was taken with respect to each referred worker. If that worker was not sent to the union hiring hall for referral or if the worker was not employed by the contractor, the contractor’s file shall be documented and the reasons therefore;
- (c) The contractor shall notify the Contracting Agency and the Director when the union or unions with which the contractor has a collective bargaining agreement has not referred to the contractor a minority or female worker originally sent to the union by the contractor for union registration, or the contractor has other information that the union referral process has impeded the contractor’s efforts to meet its goals;
- (d) The contractor shall participate in training programs related to its personnel needs;
- (e) The contractor shall disseminate its EEO policy internally by doing the following:
  - (1) Including it in any organizational manual;
  - (2) Publicizing it in company newspapers, annual report, etc.;
  - (3) Conducting staff, employee, and union representatives meetings to explain and discuss the policy;
  - (4) Posting; and
  - (5) Reviewing the policy with minority and female employees.
- (f) The contractor shall disseminate its EEO policy externally by doing the following:
  - (1) Informing and discussing it with all recruitment sources;
  - (2) Advertising in news media, specifically including news media directed to minorities and women;
  - (3) Notifying and discussing it with all known minority and women’s organizations; and
  - (4) Notifying and discussing it with all subcontractors and suppliers.

1104.18 The contractor shall make specific recruitment efforts, both written and oral, directed at all minority and women’s training organizations within the contractor’s recruitment area.

1104.19 The contractor shall encourage present employees to assist in the recruitment of minorities and women for employment.

1104.20 The contractor shall validate all qualifications, selection requirements, and tests in accordance with the guidelines of the Equal Employment Opportunity Commission.

- 1104.21 The contractor shall make good faith efforts to provide after school, summer and vacation employment to minority youths and young women.
- 1104.22 The contractor shall develop on-the-job training opportunities, and participate and assist in any association or employer group training programs relevant to the contractor's employee needs.
- 1104.23 The contractor shall continually inventory and evaluate all minority and female personnel for promotion opportunities.
- 1104.24 The contractor shall make sure that seniority practices, job classifications, qualifications, etc. do not have a discriminatory effect on minorities and women.
- 1104.25 The contractor shall make certain that all facilities and company activities are nonsegregated.
- 1104.26 The contractor shall continually monitor all personnel activities to ensure that its EEO policy is being carried out.
- 1104.27 The contractor may utilize minority banking facilities as depositories for funds which may be involved, directly or indirectly, in the performance of the contract.
- 1104.28 The contractor shall employ minority and female workers without respect to union membership in sufficient numbers to meet the minority and female employment standards, if the experience of the contractor with any labor union from which it will secure employees does not indicate that it will refer sufficient minorities and females to meet its minority and female employment standards.
- 1104.29 The contractor shall ensure that all of its employees as well as those of its subcontractors are made knowledgeable about the contractor's equal opportunity policy.
- 1104.30 [Reserved]
- 1104.31 Each contractor shall include in all bid invitations or other pre-bid communications, written or otherwise, with respect to prospective subcontractors, the standards, as applicable, which are required under this chapter.
- 1104.32 Whenever a contractor subcontracts a portion of the work in any trade, craft or skill it shall include in the subcontract, its commitment made under this chapter, as applicable, which shall be adopted by its subcontractors who shall be bound thereby and by the regulations of this chapter to the full extent as if it were the prime contractor.
- 1104.33 The prime contractor shall give notice to the Director and the Contracting Agency of any refusal or failure of any subcontractor to fulfill its obligations under this chapter.
- 1104.34 Failure of compliance by any subcontractor shall be treated in the same manner as a failure by the prime contractor.
- 1105 EXEMPTIONS
- 1105.1 Prospective construction contractors shall be exempt from submitting Affirmative Action Programs for contracts amounting to less than twenty-five thousand dollars (\$25,000); provided, that when a construction contractor accumulates contracts amounting to twenty-five thousand dollars (\$25,000) or more within a period of twelve (12) months that contractor shall be required to submit an Affirmative Action Program for each contract executed thereafter.
- 1105.2 Prospective non-construction contractors shall be exempt from submitting Affirmative Action Programs for contracts amounting to less than ten thousand dollars (\$10,000); provided, that when

a non-construction contractor accumulates contracts amounting to ten thousand dollars (\$10,000) or more during a period of twelve (12) months that contractor shall be required to submit an Affirmative Action Program for each contract executed thereafter.

1106 NONRESPONSIBLE CONTRACTORS

1106.1 If a bidder or offeror fails either to submit a complete and satisfactory Affirmative Action Program or to submit a revised Affirmative Action Program that meets the approval of the Director, as required pursuant to this chapter, the Director may direct the Contracting Officer to declare the bidder or offeror to be nonresponsible and ineligible for award of the contract.

1106.2 Any untimely submission of an Affirmative Action Program may, upon order of the Director, be rejected by the Contracting Officer.

1106.3 In no case shall there be any negotiation over the provision of specific utilization standards submitted by the bidder or offeror after the opening of bids or receipt of offer and prior to award.

1106.4 If any directive or order relating to nonresponsibility is issued under this section, the Director shall afford the bidder or offeror a reasonable opportunity to be heard in opposition to such action in accordance with subsection 1118.1, or in support of a request for waiver under section 1109.

1107 NOTICE OF COMPLIANCE

1107.1 Each Contracting Agency shall include, or require the contract bidder or offeror to include, in the invitation for bids or other solicitation used for a D.C. Government-involved contract, a notice stating that to be eligible for consideration, each bidder or offeror shall be required to comply with the provisions of this chapter for the trades, crafts and skills to be used during the term of the performance of the contract whether or not the work is subcontracted.

1108 MINIMUM STANDARDS FOR MINORITY AND FEMALE EMPLOYMENT

1108.1 The minimum standards for the utilization of minorities in the District of Columbia Government construction contracts shall be forty-two percent (42%) in each trade for each project, and an aggregate workforce standard of six and nine-tenths percent (6.9%) for females in each project. Any changes in Federal standards pertaining to minority group and female employment in Federally-involved construction contracts shall be taken into consideration in any review of these requirements.

1108.2 The construction contractor's standards established in accordance with subsection 1108.1 shall express the contractor's commitment of the forty-two percent (42%) of minority personnel who will be working in each specified trade on each of the contractor's District of Columbia Government projects, and the aggregate standard of six and nine-tenths percent (6.9%) for the employment of females in each District of Columbia Government contract.

1108.3 The hours for minority and female workers shall be substantially uniform throughout the entire length of the construction contract for each trade used, to the effect that the same percentage of minority workers in the trades used shall be working throughout the length of work in each trade on each project, and the aggregate percentage in each project for females.

1108.4 The minimum standard for the utilization of minorities in non-construction contracts shall be twenty-five percent (25%) in each of the following nine (9) job categories:

- (a) Officials and managers;
- (b) Professionals;

- (c) Technicians;
- (d) Sales workers;
- (e) Office and clerical workers;
- (f) Craftpersons (Skilled);
- (g) Operative (Semi-skilled);
- (h) Laborers (Unskilled); and
- (i) Service workers.

1108.5 With respect to non-construction contracts the contractor's standards established in accordance with subsection 1108.4 shall express the contractor's commitment of the twenty-five percent (25%) of minority personnel who will be working in each specified craft or skill in each contract.

1109 WAIVERS

1109.1 The Director may grant a waiver to a prospective contractor from the requirement to submit a set of minimum standards for the employment of minorities and women in a particular contract, if before the execution of the contract and approval of the Affirmative Action Program, the contractor can document and otherwise prove it is unable to meet the standards in the performance of the contract.

1110 SOLICITATION OF CONTRACT

1110.1 Each solicitation for contract covered by section 1104 shall contain a statement that contractors shall comply with the minimum standards established pursuant to these rules for ensuring equal opportunity.

1110.2 The contract solicitation shall require that each bidder or offeror certify that it intends to meet the applicable minimum standards in section 1108 in order to be considered for the contract.

1111 PRIOR TO EXECUTION OF CONTRACT

1111.1 Upon being designated the apparent low bidder or offeror, that contractor shall submit a detailed Affirmative Action Program that sets forth the following:

- (1) The composition of its current total workforce; and
- (2) The composition of the workforce by race, color, national origin, and sex to be used in the performance of the contract and that of all known subcontractors that will be utilized to perform the contract.

1111.2 The apparent low bidder or offeror shall submit an Affirmative Action Program in accordance with section 1104 describing the actions it will take to ensure compliance with this chapter which shall be subject, prior to the execution of any contract, to the approval of the Director.

1111.3 If the Office of Human Rights does not act within ten (10) working days after the receipt of the Affirmative Action Program sent for approval, the Contracting Agency may proceed on its own determination to execute the contract.

1111.4 The apparent low bidder or offeror shall submit an Affirmative Action Program within a period of time to specified by each Contracting Agency, but which shall not exceed ten (10) working days after becoming the apparent contractor.

1111.5 The apparent low bidder or offeror shall furnish all information and reports to the Contracting Agency as required by this chapter, and shall permit access to all books or records pertaining to its employment practices or worksites.

1111.6 No contract subject to section 1104 shall be executed by the Contracting Agency, if the apparent low bidder or offeror does not submit an Affirmative Action Program, or if the Program has been disapproved in writing by the Director.

1111.7 If there is disagreement between the contractor and the Contracting Officer as to the adequacy of the Affirmative Action Program, the matter shall be referred to the Director for a decision.

#### 1112 AFTER EXECUTION OF CONTRACT

1112.1 Each contractor shall maintain throughout the term of the contract the minimum standards for the employment of minorities and women, as set forth in the approved Affirmative Action Program.

1112.2 Each contractor shall require that each subcontractor, or vendor under the contract comply with the provision of the contract and the Affirmative Action Program.

1112.3 Each contractor shall furnish all information as required by this chapter, and permit access to all books and records pertaining to the contractor's employment practices and work sites by the Director and the Contracting Agency for purposes of investigation to ascertain compliance with this chapter.

#### 1113 MONITORING AND EVALUATION

1113.1 The Director shall, from time to time, monitor and evaluate all District of Columbia Government agencies, including those independent agencies and commissions not required to submit the Affirmative Action Program of their contractors, to ensure compliance with the equal opportunity obligations in contracts, as provided for in this chapter.

#### 1114 AFFIRMATIVE ACTION TRAINING PROGRAM

1114.1 Each contractor, in fulfilling its affirmative action responsibilities under a contract with the District of Columbia Government, shall be required to have, as part of its Affirmative Action Program, an existing training program for the purpose of training, upgrading, and promotion of minority and female employees or to utilize existing programs. Those programs shall include, but not be limited to, the following:

- (a) To be consistent with its personnel requirements, the contractor shall make full use of the applicable training programs, including apprenticeship, on-the job training, and skill refinement training for journeymen. Recruitment for the program shall be designed to provide for appropriate participation by minority group members and women;
- (b) The contractor may utilize a company-operated skill refinement training program. This program shall be formal and shall be responsive to the work to be performed under the contract;
- (c) The contractor may utilize formal private training institutions that have as their objective training and skill refinement appropriate to the classification of the workers employed. When training is provided by a private organization the following information shall be supplied:

- (1) The name of the organization;
- (2) The name, address, social security number, and classification of the initial employees and any subsequent employees chosen during the course of the contract; and
- (3) The identity of the trades, and crafts or skills involved in the training.

1114.2 If the contractor relies, in whole or in part, upon unions as a source of its workforce, the contractor shall use its best efforts, in cooperation with unions, to develop joint training programs aimed toward qualifying more minorities and females for membership in the union, and increasing the skills of minority and female employees so that they may qualify for higher paying employment.

1114.3 Approval of training programs by the Contracting Agency shall be predicated, among other things, upon the quality of training, numbers of trainees and trades, crafts or skills involved, and whether the training is responsive to the policies of the District of Columbia and the needs of the minority and female community. Minority and female applicants for apprenticeship or training should be selected in sufficient numbers as to ensure an acceptable level of participation sufficient to overcome the effects of past discrimination.

#### 1115 COMPLIANCE REVIEW

1115.1 The Director and the Contracting Agency shall review the contractor's employment practices during the performance of the Contract. Routine or special reviews of contractors shall be conducted by the Contracting Agency or the Director in order to ascertain the extent to which the policy of Mayor's Order No. 85-85, and the requirements in this chapter are being implemented and to furnish information that may be useful to the Director and the Contracting Agency in carrying out their functions under this chapter.

1115.2 A routine compliance review shall consist of a general review of the practices of the contractor to ascertain compliance with the requirements of this chapter, and shall be considered a normal part of contract administration.

1115.3 A special compliance review shall consist of a comprehensive review of the employment practices of the contractor with respect to the requirements of this chapter, and shall be conducted when warranted.

#### 1116 ENFORCEMENT

1116.1 If the contractor does not comply with the equal opportunity clauses in a particular contract, including subsections 1103.2 through 1103.10 of this chapter, that contract may be cancelled in whole or in part, and the contractor may be declared by the Director or the Contracting Officer to be ineligible for further District of Columbia Government Contracts subject to applicable laws and regulations governing debarment.

1116.2 If the contractor meets its goals or if the contractor can demonstrate that it has made every good faith effort to meet those goals, the contractor will be presumed to be in compliance with this chapter, and no formal sanction shall be instituted unless the Director otherwise determines that the contractor is not providing equal employment opportunity.

1116.3 When the Director proceeds with a formal hearing she or he has the burden of proving that the contractor has not met the requirements of this chapter, but the contractor's failure to meet its goals shall shift to it the requirement to come forward with evidence to show that it has met the good faith requirements of this chapter.

1117 COMPLAINTS

1117.1 The Director may initiate investigations of individual instances and patterns of discriminatory conduct, initiate complaints thereupon and keep the Contracting Agency informed of those actions.

1117.2 If the investigation indicates the existence of an apparent violation of the non-discrimination provisions of the contract required under section 1103 of this chapter the matter may be resolved by the methods of conference, conciliation, mediation, or persuasion.

1117.3 If an apparent violation of the non-discrimination provisions of the contract required under section 1103 of this chapter is not resolved by methods of conference, conciliation, mediation, or persuasion, the Director of the Contracting Officer may issue a notice requiring the contractor in question to show cause, within thirty (30) days, why enforcement proceedings or other appropriate action should not be initiated.

1117.4 Any employee of any District of Columbia Government contractor or applicant for employment who believes himself or herself to be aggrieved may, in person or by an authorized representative, file in writing, a complaint of alleged discrimination with the Director.

1118 HEARINGS

1118.1 In the event that a dispute arises between a bidder, offeror or prospective contractor and the Director or the Contracting Officer as to whether the proposed program of affirmative action for providing equal employment opportunity submitting by such bidder, offeror or prospective contractor complies with the requirements of this chapter and cannot be resolved by the methods of conference, conciliation, mediation, or persuasion, the bidder, offeror or prospective contractor in question shall be afforded the opportunity for a hearing before the Director.

1118.2 If a case in which an investigation by the Director or the Contracting Agency has shown the existence of an apparent violation of the non-discrimination provisions of the contract required under section 1103 is not resolved by the methods specified in subsection 1117.2, the Director may issue a notice requiring the contractor in question to show cause, within thirty (30) days, why enforcement proceedings or other appropriate action should not be initiated. The contractor in question shall also be afforded the opportunity for a hearing before the Director.

1118.3 The Director may hold a hearing on any complaint or violation under this chapter, and make determinations based on the facts brought before the hearing.

1118.4 Whenever the Director holds a hearing it is to be held pursuant to the Human Rights Act of 1977, a notice of thirty (30) working days for the hearing shall be given by registered mail, return receipt requested, to the contractor in question. The notice shall include the following:

- (a) A convenient time and place of hearing;
- (b) A statement of the provisions in this chapter or any other laws or regulations pursuant to which the hearing is to be held; and
- (c) A concise statement of the matters to be brought before the hearing.

1118.5 All hearings shall be open to the public and shall be conducted in accordance with rules, regulations, and procedures promulgated pursuant to the Human Rights Act of 1977.

1119 SANCTIONS

- 1119.1 The Director, upon finding that a contractor has failed to comply with the non-discrimination provisions of the contract required under section 1103, or has failed to make a good faith effort to achieve the utilization standards under an approved Affirmative Action Program, may impose sanctions contained in this section in addition to any sanction or remedies as may be imposed or invoked under the Human Rights Act of 1977.
- 1119.2 Sanctions imposed by the Director may include the following:
- (a) Order that the contractor be declared ineligible from consideration for award of District of Columbia Government contracts or subcontracts until such time as the Director may be satisfied that the contractor has established and will maintain equal opportunity policies in compliance with this chapter; and
  - (b) Direct each Contracting Officer administering any existing contract to cancel, terminate, or suspend the contract or any portion thereof, and to deny any extension, modification, or change, unless the contractor provides a program of future compliance satisfactory to the Director.
- 1119.3 Any sanction imposed under this chapter may be rescinded or modified upon reconsideration by the Director.
- 1119.4 An appeal of any sanction imposed by order of the Director under this chapter may be taken pursuant to applicable clauses of the affected contract or provisions of law and regulations governing District of Columbia Government contracts.
- 1120 NOTIFICATIONS
- 1120.1 The Director shall forward in writing notice of his or her findings of any violations of this chapter to the Contracting Officer for appropriate action under the contract.
- 1120.2 Whenever it appears that the holder of or an applicant for a permit, license or franchise issued by any agency or authority of the Government of the District of Columbia is a person determined to be in violation of this chapter the Director may, at any time he or she deems that action the Director may take or may have taken under the authority of this chapter, refer to the proper licensing agency or authority the facts and identities of all persons involved in the violation for such action as the agency or authority, in its judgement, considers appropriate based upon the facts thus disclosed to it.
- 1120.3 The Director may publish, or cause to be published, the names of contractors or unions which have been determined to have complied or have failed to comply with the provisions of the rules in this chapter.
- 1121 DISTRICT ASSISTED PROGRAMS
- 1121.1 Each agency which administers a program involving leasing of District of Columbia Government owned or controlled real property, or the financing of construction under industrial revenue bonds or urban development action grants, shall require as a condition for the approval of any agreement for leasing, bond issuance, or development action grant, that the applicant undertake and agree to incorporate, or cause to be incorporated into all construction contracts relating to or assisted by such agreements, the contract provisions prescribed for District of Columbia Government contracts by section 1103, preserving in substance the contractor's obligation under those provision.
- 1199 DEFINITIONS

1199.1

The following words and phrases set forth in this section, when used in this chapter, shall have the following meanings ascribed:

**Contract** – any binding legal relationship between the District of Columbia and a contractor for supplies or services, including but not limited to any District of Columbia Government or District of Columbia Government assisted construction or project, lease agreements, Industrial Revenue Bond financing, and Urban Development Action grant, or for the lease of District of Columbia property in which the parties, respectively, do not stand in the relationship of employer and employee.

**Contracting Agency** – any department, agency, or establishment of the District of Columbia which is authorized to enter into contracts.

**Contracting Officer** – any official of a contracting agency who is vested with the authority to execute contracts on behalf of said agency.

**Contractor** – any prime contractor holding a contract with the District of Columbia Government. The term shall also refer to subcontractors when the context so indicates.

**Director** – the Director of the Office of Human Rights, or his or her designee.

**Dispute** – any protest received from a bidder or prospective contractor relating to the effectiveness of his or her proposed program of affirmative action for providing equal opportunity.

**Minority** – Black Americans, Native Americans, Asian Americans, Pacific Islander Americans, and Hispanic Americans. In accordance with D.C. Code, Section 1-1142(1) (Supp. 1985).

**Subcontract** – any agreement made or executed by a prime contractor or a subcontractor where a material part of the supplies or services, including construction, covered by an agreement is being obtained for us in the performance of a contract subject to Mayor's Order No. 85-85, and any rules, regulations, and procedures issued pursuant thereto.

**Subcontractor** – any contractor holding a contract with a District prime contractor calling for supplies or services, including construction, required for the performance of a contract subject to Mayor's Order No. 85-85, and any rules, regulations, and procedures promulgated pursuant thereto.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE CHIEF FINANCIAL OFFICER  
OFFICE OF TAX AND REVENUE



**TAX CERTIFICATION AFFIDAVIT**

**THIS AFFIDAVIT IS TO BE COMPLETED ONLY BY THOSE WHO ARE REGISTERED TO CONDUCT BUSINESS IN THE DISTRICT OF COLUMBIA.**

Date: \_\_\_\_\_

Name of Organization/Entity: \_\_\_\_\_

Address: \_\_\_\_\_

Business Telephone No.: \_\_\_\_\_

Principal Officer:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Soc. Sec. No.: \_\_\_\_\_

Federal Identification No.: \_\_\_\_\_

Contract No.: \_\_\_\_\_

Unemployment Insurance Account No.: \_\_\_\_\_

I hereby certify that:

1. I have complied with the applicable tax filing and licensing requirements of the District of Columbia.
2. The following information is true and correct concerning tax compliance for the following taxes for the past five (5) years:

	Current	Not Current	Not Applicable
District: Sales and Use	( )	( )	( )
Employer Withholding	( )	( )	( )
Ball Park Fee	( )	( )	( )
Corporation Franchise	( )	( )	( )
Unincorporated Franchise	( )	( )	( )
Personal Property	( )	( )	( )
Real Property	( )	( )	( )
Individual Income	( )	( )	( )

**The Office of Tax and Revenue is hereby authorized to verify the above information with the appropriate government authorities. The penalty for making false statements is a fine not to exceed \$5,000.00, imprisonment for not more than 180 days, or both, as prescribed by D.C. Official Code § 47-4106.**

**This affidavit must be notarized and becomes void if not submitted within 90 days of the date notarized.**

\_\_\_\_\_  
Signature of Authorizing Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Print Name

Notary: DISTRICT OF COLUMBIA, ss:

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ Month and Year

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**FIRST SOURCE EMPLOYMENT AGREEMENT**

Contract Number: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_ Ward: \_\_\_\_\_

Nonprofit Organization with 50 Employees or Less: (Yes) \_\_\_\_ (No) \_\_\_\_

This First Source Employment Agreement, in accordance with D. C. Law 14-24, D.C. Law 5-93, and Mayor's Order 83-265 for recruitment, referral, and placement of District of Columbia residents, is between the District of Columbia Department of Employment Services, hereinafter referred to as DOES, and \_\_\_\_\_, hereinafter, referred to as EMPLOYER. Under this Employment Agreement, the EMPLOYER will use DOES as its first source for recruitment, referral, and placement of new hires or employees for the new jobs created by this project and will hire 51% District of Columbia residents for all new jobs created, as well, as 51% of apprentices employed in connection with the project shall be District residents registered in programs approved by the District of Columbia Apprenticeship Council.

**I. GENERAL TERMS**

- A. The EMPLOYER will use DOES as its first source for the recruitment, referral and placement of employees.
- B. The EMPLOYER shall require all contractors and subcontractors, with contracts totaling \$100,000 or more, to enter into a First Source Employment Agreement with DOES.
- C. DOES will provide recruitment, referral and placement services to the EMPLOYER subject to the limitations set out in this Agreement.
- D. DOES participation in this Agreement will be carried out by the Office of the Director, with the Office of Employer Services, which is responsible for referral and placement of employees, or such other offices or divisions designated by DOES.

- E. This Agreement shall take effect when signed by the parties below and shall be fully effective for the duration of the contract and any extensions or modifications to the contract.
- F. This Agreement shall not be construed as an approval of the EMPLOYER'S bid package, bond application, lease agreement, zoning application, loan, or contract/subcontract.
- G. DOES and the EMPLOYER agree that for purposes of this Agreement, new hires and jobs created (both union and nonunion) include all EMPLOYER'S job openings and vacancies in the Washington Standard Metropolitan Statistical Area created as a result of internal promotions, terminations, and expansions of the EMPLOYER'S workforce, as a result of this project, including loans, lease agreements, zoning applications, bonds, bids, and contracts.
- H. For purposes of this Agreement, apprentices as defined in D.C. Law 2-156, as amended, are included.
- I. The EMPLOYER shall register an apprenticeship program with the D.C. Apprenticeship Council for construction or renovation contracts or subcontracts totaling \$500,000 or more. This includes any construction or renovation contract or subcontract signed as the result of, but is not limited to, a loan, bond, grant, Exclusive Right Agreement, street or alley closing, or a leasing agreement of real property for one (1) year or more.
- J. All contractors who contract with the Government of the District of Columbia to perform information technology work with a single contract or cumulative contracts of at least \$500,000, let within any twelve (12) month period shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council.
- K. The term "information technology work" shall include, but is not limited to, the occupations of computer programmer, programmer analyst, desktop specialist, technical support specialist, database specialist, network support specialist, and any other related occupations as the District of Columbia Apprenticeship Council may designate by regulation.

## II. RECRUITMENT

- A. The EMPLOYER will complete the attached Employment Plan, which will indicate the number of new jobs projected, salary range, hiring dates, and union requirements. The EMPLOYER will notify DOES of its specific need for new employees as soon as that need is identified.

- B. Notification of specific needs, as set forth in Section II.A. must be given to DOES at least five (5) business days (Monday - Friday) before using any other referral source, and shall include, at a minimum, the number of employees needed by job title, qualification, hiring date, rate of pay, hours of work, duration of employment, and work to be performed.
- C. Job openings to be filled by internal promotion from the EMPLOYER'S current workforce need not be referred to DOES for placement and referral.
- D. The EMPLOYER will submit to DOES, prior to starting work on the project, the names, and social security numbers of all current employees, including apprentices, trainees, and laid-off workers who will be employed on the project.

### III. REFERRAL

DOES will screen and refer applicants according to the qualifications supplied by the EMPLOYER.

### IV. PLACEMENT

- A. DOES will notify the EMPLOYER, prior to the anticipated hiring dates, of the number of applicants DOES will refer. DOES will make every reasonable effort to refer at least two qualified applicants for each job opening.
- B. The EMPLOYER will make all decisions on hiring new employees but will in good faith use reasonable efforts to select its new hires or employees from among the qualified persons referred by DOES.
- C. In the event DOES is unable to refer the qualified personnel requested, within five (5) business days (Monday - Friday) from the date of notification, the EMPLOYER will be free to directly fill remaining positions for which no qualified applicants have been referred. Notwithstanding, the EMPLOYER will still be required to hire 51% District residents for the new jobs created by the project.
- D. After the EMPLOYER has selected its employees, DOES will not be responsible for the employees' actions and the EMPLOYER hereby releases DOES, and the Government of the District of Columbia, the District of Columbia Municipal Corporation, and the officers and employees of the District of Columbia from any liability for employees' actions.

## V. TRAINING

DOES and the EMPLOYER may agree to develop skills training and on-the-job training programs; the training specifications and cost for such training will be mutually agreed upon by the EMPLOYER and DOES and set forth in a separate Training Agreement.

## VI. CONTROLLING REGULATIONS AND LAWS

- A. To the extent this Agreement is in conflict with any labor laws or governmental regulations, the laws or regulations shall prevail.
- B. DOES will make every effort to work within the terms of all collective bargaining agreements to which the EMPLOYER is a party.
- C. The EMPLOYER will provide DOES with written documentation that the EMPLOYER has provided the representative of any involved collective bargaining unit with a copy of this Agreement and has requested comments or objections. If the representative has any comments or objections, the EMPLOYER will promptly provide them to DOES.

## VII. EXEMPTIONS

- A. Contracts, subcontracts or other forms of government-assistance less than \$100,000.
- B. Employment openings the contractor will fill with individuals already employed by the company.
- C. Job openings to be filled by laid-off workers according to formally established recall procedures and rosters.
- D. Suppliers located outside of the Washington Standard Metropolitan Statistical Area and who will perform no work in the Washington Standard Metropolitan Statistical Area.

## VIII. AGREEMENT MODIFICATIONS, RENEWAL, MONITORING, AND PENALTIES

- A. If, during the term of this Agreement, the EMPLOYER should transfer possession of all or a portion of its business concerns affected by this Agreement to any other party by lease, sale, assignment, merger, or otherwise, the EMPLOYER as a condition of transfer shall:
  - 1. Notify the party taking possession of the existence of the EMPLOYER'S Agreement.
  - 2. Notify the party taking possession that full compliance with this Agreement is required in order to avoid termination of the project.

3. EMPLOYER shall, additionally, advise DOES within seven (7) business/calendar days of the transfer. This advice will include the name of the party taking possession and the name and telephone of that party's representative.
- B. DOES shall monitor EMPLOYER'S performance under this Agreement. The EMPLOYER will cooperate in DOES' monitoring effort and will submit a Contract Compliance Form to DOES monthly.
  - C. To assist DOES in the conduct of the monitoring review, the EMPLOYER will make available payroll and employment records for the review period indicated.
  - D. If additional information is needed during the review, the EMPLOYER will provide the requested information to DOES.
  - E. With the submission of the final request for payment from the District, the EMPLOYER shall:
    1. Document in a report to the Contracting Officer its compliance with the requirement that 51% of the new employees hired by the project be District residents; or
    2. Submit a request to the Contracting Officer for a waiver of compliance with the requirement that 51% of the new employees hired by the project be District residents and include the following documentations:
      - a. Material supporting a good faith effort to comply;
      - b. Referrals provided by DOES and other referral sources; and
      - c. Advertisement of job openings listed with DOES and other referral sources.
  - F. The Contracting Officer may waive the requirement that 51% of the new employees hired by the project be District residents, if the Contracting Officer finds that:
    1. A good faith effort to comply is demonstrated by the contractor;
    2. The EMPLOYER is located outside the Washington Standard Metropolitan Statistical Area and none of the contract work is performed inside the Washington Standard Metropolitan Statistical Area;

The Washington Standard Metropolitan Statistical Area includes the District of Columbia, the Virginia Cities of Alexandria, Falls Church, Manassas, Manassas Park, Fairfax, and Fredericksburg; the Virginia Counties of Fairfax, Arlington, Prince William, Loudoun, Stafford, Clarke, Warren, Fauquier, Culpeper, Spotsylvania, and King George; the Maryland Counties of Montgomery, Prince Georges, Charles, Frederick, and Calvert; and the West Virginia Counties of Berkeley and Jefferson.

- 3. The EMPLOYER enters into a special workforce development training or placement arrangement with DOES; or
- 4. DOES certifies that insufficient numbers of District residents in the labor market possess the skills required by the positions created as a result of the contract.

G. Willful breach of the First Source Employment Agreement by the EMPLOYER, or failure to submit the Contract Compliance Report, or deliberate submission of falsified data, may be enforced by the Contracting Officer through imposition of penalties, including monetary fines of 5% of the total amount of the direct and indirect labor costs of the contract.

H Nonprofit organizations with 50 or less employees are exempted from the requirement that 51% of the new employees hired on the project be District residents.

I. The EMPLOYER and DOES, or such other agent as DOES may designate, may mutually agree to modify this Agreement.

J. The project may be terminated because of the EMPLOYER'S non-compliance with the provisions of this Agreement.

IX. Is your firm a certified Local, Small, Disadvantaged Business Enterprise (LSDBE)?  
 YES  NO   
 If yes, certification number: \_\_\_\_\_

X. Do you have a registered Apprenticeship program with the D.C. Apprenticeship Council?  
 YES  NO  
 If yes, D.C. Apprenticeship Council Registration Number: \_\_\_\_\_

XI. Indicate whether your firm is a subcontractor on this project:  YES  NO  
 If yes, name of prime contractor: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
 Signature Dept. of Employment Services

\_\_\_\_\_  
 Signature of Employer

\_\_\_\_\_  
 Name of Company

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Telephone

\_\_\_\_\_  
 E-mail

**EMPLOYMENT PLAN**

NAME OF FIRM \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_ FEDERAL IDENTIFICATION NO. \_\_\_\_\_

CONTACT PERSON \_\_\_\_\_ TITLE \_\_\_\_\_

E-mail: \_\_\_\_\_ TYPE OF BUSINESS: \_\_\_\_\_

ORIGINATING DISTRICT AGENCY \_\_\_\_\_

CONTRACTING OFFICER: \_\_\_\_\_ TELEPHONE NUMBER: \_\_\_\_\_

TYPE OF PROJECT \_\_\_\_\_ FUNDING AMOUNT \_\_\_\_\_

PROJECTED START DATE \_\_\_\_\_ PROJECT DURATION \_\_\_\_\_

NEW JOB CREATION PROJECTIONS (Attach additional sheets, as needed.) Please indicate the new position(s) your firm will create as a result of this project.

	JOB TITLE	# OF JOBS F/T P/T	SALARY RANGE	UNION MEMBERSHIP REQUIRED NAME LOCAL#	PROJECTED HIRE DATE
A					
B					
C					
D					
E					
F					
G					
H					
I					
J					
K					





**Office of Contracting  
& Procurement**

 Government of the  
District of Columbia

**COST / PRICE DISCLOSURE CERTIFICATION**

RFP Number: DCFL-2005-R-0002 Closing Date: \_\_\_\_\_

Caption: \_\_\_\_\_ Total Proposed Amount: \_\_\_\_\_

The undersigned \_\_\_\_\_

(please print name and title of offeror's authorized signatory) hereby certifies that, to the best of my knowledge, the cost and pricing data (i.e. at the time of price agreement this certification represents that all material facts of which prudent buyers and sellers would reasonably expect to affect price negotiations in any significant manner) submitted was accurate, complete, and current as of \_\_\_\_\_ (date of RFP closing or conclusion of negotiations as appropriate) .

The undersigned further agrees that it is under a continuing duty to update cost or pricing data through the date that negotiations, if any, with the District are completed. The undersigned further agrees that the price, including profit or fee, will be adjusted to exclude any significant price increases occurring because the cost or pricing data was inaccurate, incomplete or not current. (See D.C. Procurement Regulations, 27 DCMR, Chapter 6, Section 699, Chapter 16, Section 1624; and Section 32 of the Standard Contract Provisions for Use with District of Columbia Government Supply and Services Contracts, October 1, 1999, as amended).

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

DUNS #: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

## **COST/PRICE DATA REQUIREMENTS**

### **1. GENERAL INFORMATION:**

- 1.1 Offerors submitting cost/price proposals, in response to a District Request For Proposal (RFP), sole source procurement, change order, or contract modification exceeding \$500,000 in total value, must include a complete cost and pricing data breakdown (i.e., data that is verifiable and factual) for all costs identified in the proposal, and relevant to the performance of the contract. The requirement for submission of cost or pricing data is met when all accurate cost or pricing data reasonably available to the Offeror has been submitted, either actually, or by specific identification, to the District. If not available at the time of submission, as later information comes into the Offeror's possession, it should be promptly submitted to the District in a manner that clearly demonstrates its relationship to, and effect on, the Offeror's cost/price proposal. This requirement continues up to the date of final agreement on price and/or other issues, as agreed upon between the parties.
- 1.2 There is a clear distinction between submitting cost or pricing data and merely making available books, records and other documents without identification or context. By submitting a cost/price proposal, the Offeror, if selected for negotiation, grants the Contracting Officer, or an authorized representative, the right to examine, at any time before award, those books, records, documents, and other types of factual information, regardless of form or whether such supporting information is specifically referenced or included in the proposal as a basis for pricing, that will permit an adequate evaluation of the proposed cost/price.
- 1.3 The cost/price proposal will represent the offeror's understanding of the RFP's requirements and the offeror's ability to organize and perform those requirements effectively and efficiently. The evaluation of the Offeror's cost/price proposal will be based on an analysis of the realism and completeness of the cost data, the conformity of the cost to the offeror's technical data and the proposed allocation of labor-hours and skill sets. Pertinent cost information, including but not limited to Defense Contract Auditing Agency (DCAA) and/or the Department of Labor (DOL) recommended rates for direct labor, overhead, general and administrative expense (G&A), etc., as necessary and appropriate, must be used to arrive at the most probable cost to be incurred by the Offeror. If the District considers the proposed costs to be unrealistic, the Offeror should adjust its proposed costs accordingly. Any inconsistency, whether real or apparent, between promised performance and cost or price should be explained in the cost/price proposal. The burden of proof for cost credibility rests with the Offeror.
- 1.4 The Offeror must submit its cost/price proposal in hard copy as well as on a diskette, which is in a format (i.e. MS Office, Lotus 1-2-3, etc.) specified and/or provided by the Agency Contracting Officer in the solicitation package. All cost/price proposals should provide a cost summary by all cost elements, cross-referenced to supporting documentation. See Table No. (1.4).

1.5 The following information shall be included in this section, for the prime contractor and each proposed subcontractor:

- (a) A properly completed "Cost/Price Disclosure Certification."
- (a) Identification of any estimates, along with the rationale and methodology used to develop them, including judgmental factors used in projecting future costs, based on known data, and the timing, nature and extent of any material contingencies.
- (c) Disclosure of any other activities or likely events which could materially impact specific costs (i.e., existing large material and supply inventories, management/ownership changes, new technologies, collective bargaining agreements, etc.)
- (d) Disclosure of any and all awarded and pending contracts with the District of Columbia, including contract number(s), amount, type (fixed price, cost reimbursement, etc.), agency, and a brief description of services.
- (e) Source of approval and the latest date of approval of the offeror's Accounting system.

**Table (1.4)  
Example Cost Summary Format**

Cost Item	Task 1			Task 2			Task 3			Task 4, etc.			Base Term Total
	R	H	D	R	H	D	R	H	D	R	H	D	
Direct Labor Categories ♦ Employee A ♦ Employee B ♦ Employee C Total Labor Hours													
Total Labor Dollars													
Fringe Benefit													
Labor Overhead *													
Total Direct Labor													
Other Direct Costs ♦ Equip. & Supplies ♦ Materials ♦ Travel ♦ Other													
Subcontractors ♦ Sub A ♦ Sub B													
ODC Overhead *													
Total ODC & Subcontractors													
G&A													
Fee/Profit													
Total Price													

H = Hours                      R = Rate                      D = Dollars (Rate X Hours = Dollars)

***Note: Provide cost information similar to the above format for each option/out-year***

*\* Note: Small, field-based trade providers typically have a labor or combined overhead cost components. Larger, more diversified providers may have separate labor, and/or ODC or combined overhead component.*

**Table (1.4)  
Example Cost Summary Format**

Cost Item	Task 1			Task 2			Task 3			Task 4, etc.			Option Year 1 Total
	R	H	D	R	H	D	R	H	D	R	H	D	
Direct Labor Categories ♦ Employee A ♦ Employee B ♦ Employee C Total Labor Hours													
Total Labor Dollars													
Fringe Benefit													
Labor Overhead *													
Total Direct Labor													
Other Direct Costs ♦ Equip. & Supplies ♦ Materials ♦ Travel ♦ Other													
Subcontractors ♦ Sub A ♦ Sub B													
ODC Overhead *													
Total ODC & Subcontractors													
G&A													
Fee/Profit													
Total Price													

H = Hours                      R = Rate                      D = Dollars (Rate X Hours = Dollars)

***Note: Provide cost information similar to the above format for each option/out-year***

*\* Note: Small, field-based trade providers typically have a labor or combined overhead cost components. Larger, more diversified providers may have separate labor, and/or ODC or combined overhead component.*

**Table (1.4)  
Example Cost Summary Format**

Cost Item	Task 1			Task 2			Task 3			Task 4, etc.			Option Year 2 Total
	R	H	D	R	H	D	R	H	D	R	H	D	
Direct Labor Categories ♦ Employee A ♦ Employee B ♦ Employee C Total Labor Hours													
Total Labor Dollars													
Fringe Benefit													
Labor Overhead *													
Total Direct Labor													
Other Direct Costs ♦ Equip. & Supplies ♦ Materials ♦ Travel ♦ Other													
Subcontractors ♦ Sub A ♦ Sub B													
ODC Overhead *													
Total ODC & Subcontractors													
G&A													
Fee/Profit													
Total Price													

H = Hours                  R = Rate                  D = Dollars (Rate X Hours = Dollars)

***Note: Provide cost information similar to the above format for each option/out-year***

\* Note: Small, field-based trade providers typically have a labor or combined overhead cost components. Larger, more diversified providers may have separate labor, and/or ODC or combined overhead component.

## **2. SUPPORTING COST DATA:**

- 2.1 The Offeror shall provide, for each cost element, a narrative description, in sufficient detail, to demonstrate price reasonableness, credibility and reliability. The Offeror shall provide its assumptions and methodologies used to estimate each cost element (significant item and quantity estimates, labor hour expenditure patterns and mix, etc.). The following information shall be included in this section:
- 2.1.1. The Offeror's total estimated costs plus its fee (if applicable) for providing all of the requirements of the RFP, as proposed in their technical proposal. Offerors should support their best estimates of all costs (direct, indirect, profit, etc.) to be incurred in the performance of the contract.
  - 2.1.2. When proposing multiyear/option year pricing, the estimated proposed costs shall include a breakdown of all cost elements for the base year as well as each option/out-year. Labor, other direct costs, indirect costs and profit shall each be clearly identifiable. If different from the Defense Contract Auditing Agency (DCAA) or Department Of Labor (DOL) recommended rates, the Offeror shall provide a thorough explanation for the variation(s) of rates.
  - 2.1.3. The Cost Summary Format (Table 1.4) provides a format for the Offeror to submit to the District a pricing proposal of estimated cost by line item, along with supporting documentation that is adequately cross-referenced and suitable for cost realism analysis. A cost-element breakdown shall be attached for each proposed line item and must reflect any other specific requirements established by the Contracting Officer. When more than one contract line item is proposed, a summary of the total amount covering all line items must be furnished for each cost element.
  - 2.1.4. If the Offeror has an agreement with a federal, state, or municipal government agency on the use of a Forward Pricing Rates Agreement (FPRA) or other rate agreement for labor, fringe benefits, overhead and/or general and administrative expense, the Offeror must identify the agreement, provide a copy and describe its nature, terms and duration.

## **3. SPECIFIC COST ELEMENTS:**

A well-supported cost/price proposal reduces the effort needed for review and facilitates informed negotiations. The following are the minimum criteria that constitute an acceptable cost/price proposal:

- 3.1 **Direct labor:** A task-phased annual breakdown of labor rates and labor hours by category or skill level, including the basis for the rates and hours estimated (i.e., payroll registers, wage determinations, collective bargaining agreements, historical experience, engineering estimates, etc.).
  - 3.1.1 The Offeror shall use the following Table No. (3.1.1) to exhibit its total labor hours by prime contractor and subcontractor(s). A separate table should be completed for each year (base and out-years).

**Table (3.1.1)  
Annual Labor Summary**

Item	Task 1	Task 2	Task 3	Task 4	Base Year Total
<u>Labor Category, Prime</u> <ul style="list-style-type: none"> <li>• Employee A</li> <li>• Employee B</li> <li>• Employee C</li> </ul>					
<u>Labor Category, Sub.</u> <ul style="list-style-type: none"> <li>• Employee D</li> <li>• Employee E</li> <li>• Employee F</li> </ul>					
<u>Labor Category, Consultant</u> <ul style="list-style-type: none"> <li>• Employee G</li> <li>• Employee H</li> </ul>					
Total Labor Hours by Task					

Note: Do not include wage rates in this table

- 3.1.2 A standard of 40 hours/week, 1,920 hours/year is recommended. If another standard is used, it should be precisely defined. Any deviation from the above labor-hour projection without substantiation may form the basis to reject the response to the RFP. The proposed labor-hours shall include prime contractor, subcontractor and consultant hours.
- 3.1.3 The Offeror shall also submit Table No. (3.1.4.b), depicting the labor mix percentages as proposed for the base year as well as the out-years and should match the personnel experience requirements specified in the RFP, Section **(to be referenced by the Contract Specialist)**, under Personnel Experience. All of the RFP Key positions must be included within the Senior Staff categories. To provide a better understanding of this format, Table No. (3.1.4.a) is provided as an example.
- 3.1.4 The Offeror shall describe how the hourly direct labor rate was derived and indicate whether these rates are subject to any collective bargaining agreement(s), the Service Contract Act (SCA), Davis-Bacon, or any other special agreement which controls the labor rate indicated. When proposing price escalation for option/out-years, the Offerors must follow instructions provided under Economic Price Adjustments, Section H, of this RFP.

**Table (3.1.4.a)**

**Summary of Proposed Annual labor Mix Category (with examples)**

<b>NAME</b>  <b>(Note1)</b>	<b>LABOR MIX</b>  <b>(Note 2)</b>	<b>OFFEROR'S LABOR CATEGORY</b>  <b>(Note 3)</b>	<b>PERCENT OF TIME ON CONTRACT</b>  <b>(Note 4)</b>	<b>PLANNED SOW ASSIGNMENT</b>  <b>(Note 5)</b>	<b>STATUS</b>  <b>(Note 6)</b>
Able, Jackson	Sr. Staff Level 1	Program Director	PT/10%	N/A	PCE/E
Black, William E.	Sr. Staff Level 1	Psychiatrist	PT/20%	C.3	PCE/E
White, Pamela A.	Sr. Staff Level 2	Clinic Manager	PT/50%	C.4.1	PCE/P
Green, Robert T	Sr. Staff Level 3	Counseling Supvs.	PT/50%	C.4.2	PCE/P
Ross, Allen	Jr. Staff Level 1	Counselor	FT/100%	C.4.3	PCE/E

- Note 1: Last name, first name, middle initial, grouped by task as specified in SOW. Attach resume for each name on list. The names on this list and the resumes are to be in the same order.
- Note 2: Staff levels in each Labor Mix should be classified by the level of expertise and years of experience.
- Note 3: Offerors internal labor category.
- Note 4: State whether the individual is employed full time (FT) or part time (PT) and the planned percentage of the named person's production time that is to be applied as a direct charge to the contract.
- Note 5: Identify by SOW paragraph(s) and task number, the major tasks to which the individual is expected to be assigned.
- Note 6: Enter PCE if individual is to be a prime contractor employee; enter SCE if the individual is to be a subcontractor employee; enter CON if individual is to be a consultant. Enter E if employee as of the date of this proposal; enter P if the individual is a pending employee as of date of the proposal. Signed Commitment Agreements are required for all individuals with P status. A copy of each agreement is to be inserted behind the resume section in the technical proposal.

**Table (3.1.4.b)**

**Summary of Proposed Annual labor Mix Category**

<b>NAME</b>  <b>(Note 1)</b>	<b>LABOR MIX</b>  <b>(Note 2)</b>	<b>OFFEROR'S LABOR CATEGORY</b>  <b>(Note 3)</b>	<b>PERCENT OF TIME ON CONTRACT</b>  <b>(Note 4)</b>	<b>PLANNED SOW ASSIGNMENT</b>  <b>(Note 5)</b>	<b>STATUS</b>  <b>(Note 6)</b>
<u>Labor Category, Prime</u> <ul style="list-style-type: none"> <li>• Employee A</li> <li>• Employee B</li> <li>• Employee C</li> <li>• Employee D</li> </ul> <u>Labor Category, Sub.</u> <ul style="list-style-type: none"> <li>• Employee E</li> <li>• Employee F</li> <li>• Employee G</li> </ul> <u>Labor Category, Consultant</u> <ul style="list-style-type: none"> <li>• Employee H</li> <li>Employee I</li> </ul>					

Last name, first name, middle initial, grouped by task as specified in SOW. Attach resume for each name on list. The names on this list and the resumes are to be in the same order.

Note 2: Staff levels in each Labor Mix should be classified by the level of expertise and years of experience.

Note 3: Offerors internal labor category.

Note 4: State whether the individual is employed full time (FT) or part time (PT) and the planned percentage of the named person's production time that is to be applied as a direct charge to the contract.

Note 5: Identify by SOW paragraph(s) and task number, the major tasks to which the individual is expected to be assigned.

Note 6: Enter PCE if individual is to be a prime contractor employee; enter SCE if the individual is to be a subcontractor employee; enter CON if individual is to be a consultant. Enter E if employee as of the date of this proposal; enter P if the individual is a pending employee as of date of the proposal. Signed Commitment Agreements are required for all individuals with P status. A copy of each agreement is to be inserted behind the resume section in the technical proposal.

- 3.2 **Indirect Costs:** The Offeror shall indicate its proposed Fringe, Overhead and General & Administrative rates for each applicable fiscal or calendar year (as appropriate). The Offeror shall indicate if these rates are subject to a Forward Pricing Rate Agreement. If the proposed Indirect Rates differ from the Forward Pricing Rate Agreement, the Offeror shall provide an explanation. The Offeror shall provide its actual indirect rates for overhead, G&A and fringe benefits for at least the past three (3) years and shall explain the basis for any significant rate difference between the prior three year period and the rates proposed now.
- 3.3 **Other Direct Costs:** Other Direct Costs consists of materials, travel, reproduction, postage, telephone, supplies for the prime and all subcontracted effort. This includes all other direct costs associated with performance of the contract. Travel costs shall be in accordance with GSA Joint Travel Regulations for airfare, hotel, and per diem allowances. All other direct costs should be specifically identified and explained. If an allocated portion of a Direct cost is also included in an Offeror's indirect rate (such as General and Administrative), the Offeror should state so and list the types of expenses included in the indirect rate.
- 3.3.1 The Offeror should identify types, quantities, and costs of all materials and supplies proposed including a non-loaded priced listing of individual materials or supplies ordered, or a consolidated and priced bill of materials for the entire proposal. A thoroughly documented bill of materials includes part numbers, description, unit costs, quantity required, extended cost (including delivery charges) and basis for the proposed cost (price quotation, prior buy, signed purchase orders, etc.) plus any other non-recurring costs. Deliverable materials are items delivered as a part of the work product. Examples of this are copies and binders delivered to the Government as a report or software ordered for and installed on a computer in a District Government office.
- 3.3.2 The Offeror shall use the following Table (3.3.2) to exhibit its total other direct costs (ODC) by prime and subcontractor(s). A separate table should be completed for each year (base and out-years).

**Table (3.3.2)**

**Other Direct Costs (ODC) Summary**

<b>Item</b>	<b>Task 1</b>	<b>Task 2</b>	<b>Task 3</b>	<b>Task 4</b>	<b>Base Year Total</b>
Supplies and Materials Office Equipment Travel <ul style="list-style-type: none"> <li>• Airfare</li> <li>• Hotel</li> <li>• Meals &amp; Incidentals</li> <li>• Ground Transportation</li> </ul> Telecommunications Occupancy <ul style="list-style-type: none"> <li>• Rent</li> <li>• Utilities</li> <li>• Building Maintenance</li> </ul> Transportation Client Care Cost <ul style="list-style-type: none"> <li>• Food</li> <li>• Medical</li> <li>• Clothing</li> <li>• Personal Hygiene</li> </ul> Other					
Total ODC by Task					

***Note:** State each individual cost element being proposed. Describe in the narrative section of the cost proposal, how each cost element is derived and why it is being proposed. (Not all cost elements in the table above will apply to each solicitation. The above table should be tailored to the requirements of the RFP.)*

3.4 **Subcontracting Costs:** Each subcontract must be addressed separately. For any subcontract exceeding \$25,000 the cost/price proposal must show the names, quantities, prices, deliverables, basis for selection, and degree of competition used in the selection process. The subcontractor's cost or pricing data should be included along with the prime Offeror's proposal. If available, the Offeror should also include the results of its review and evaluation of the subcontract proposals. The Offeror shall provide copies of any cost or price analyses of the subcontractor costs proposed.

3.5 **Start-up Costs:** As appropriate, the Offeror shall identify all start up costs associated with this effort.

3.6 **Other Historical Data:** All offerors with current or past experience (within three to five years) for similar requirements, as described herein, must submit, as a part of their cost data, the following:

- (a) Contract Number.
- (b) Government agency (federal, state, District, municipal) the contract was awarded by.
- (c) Name and phone number of the Contracting Officer.
- (d) Name and phone number of the Contract Administrator.
- (e) Name and phone number of the Contracting Officer's Representative (if applicable) and the Contract Administrator.
- (f) Period of Performance of the Contract.
- (g) Total amount of contract(s)

In addition to the above data, the following table (No. 3.6) will be completed and submitted with the cost data:

**Table (3.6)**

**Format for Historical Data**

	Proposed Contract			Delivered Contract *		
	Number Of Hours**	Contract Value	Average Hr Rate	Number Of Hours**	Contract Value	Average Hr Rate
Direct Labor						
Loaded Labor***						

\* Should include any increased scope officially added to contract.

\*\* If provided different number of hours, the difference should be explained.

\*\*\* Loaded labor should include all loading and profit. If significant material (i.e., greater than 5%) is included in the contract, data shall be presented both with and without material cost.

In addition, any other data the offeror believes is necessary should be provided in this section.

*Note: For data submitted in the above table for "delivered Contract", the Offeror shall indicate the date as of which, the submitted data is current.*

(Check appropriate box)

Performance Elements	<b>RATING</b> (See Rating Guidelines on Page 2)					
	<b>5 –</b> Excellent	<b>4 –</b> Good	<b>3 –</b> Acceptable	<b>2 –</b> Minimally Acceptable	<b>1 –</b> Poor	<b>0 –</b> Unacceptable
Quality of Services/Work						
Timeliness of Performance						
Cost Control						
Business Relations						
Customer Satisfaction						

1. Name of Contractor being Evaluated: \_\_\_\_\_
2. Name & Title of Evaluator: \_\_\_\_\_
3. Signature of Evaluator: \_\_\_\_\_
4. Name of Evaluator's Organization: \_\_\_\_\_
5. Telephone Number of Evaluator: \_\_\_\_\_
6. Type of service received: \_\_\_\_\_
7. Contract Number, Amount and period of Performance \_\_\_\_\_
8. Remarks on Excellent Performance: Provide data supporting this observation. Continue on separate sheet if needed)
   
\_\_\_\_\_
   
\_\_\_\_\_
9. Remarks on unacceptable performance: Provide data supporting this observation. (Continue on separate sheet if needed)
   
\_\_\_\_\_
   
\_\_\_\_\_

## RATING GUIDELINES

Summarize Contractor performance in each of the rating areas. Assign each area a rating of 0 (Unacceptable), 1 (Poor), 2 (Acceptable), 3 (Good), 4(Excellent), or ++ (Plus). Use the following instructions a guidance in making these evaluations.

	<b>Quality Product/Service</b>	<b>Cost Control</b>	<b>Timeless of Performance</b>	<b>Business Relations</b>
	<ul style="list-style-type: none"> <li>-Compliance with contract requirements</li> <li>-Accuracy of reports</li> <li>-Appropriateness of personnel</li> <li>-Technical excellence</li> </ul>	<ul style="list-style-type: none"> <li>-Within budget (over/ under target costs)</li> <li>-Current, accurate, and complete billings</li> <li>-Relationship of negated costs to actual</li> <li>-Cost efficiencies</li> <li>-Change order issue</li> </ul>	<ul style="list-style-type: none"> <li>-Meet Interim milestones</li> <li>-Reliable</li> <li>-Responsive to technical directions</li> <li>-Completed on time, including wrap-up and contract administration</li> <li>-No liquidated damages assessed</li> </ul>	<ul style="list-style-type: none"> <li>-Effective management</li> <li>-Businesslike correspondence</li> <li>-Responsive to contract requirements</li> <li>-Prompt notification of contract problems</li> <li>-Reasonable/cooperative</li> <li>-Flexible</li> <li>-Pro-active</li> <li>-effective contractor recommended solutions</li> <li>-Effective snail/small disadvantaged business Subcontracting program</li> </ul>
<b>0. Unacceptable</b>	Nonconformances are comprises the achievement of contract requirements, despite use of Agency resources	Cost issues are comprising performance of contract requirements.	Delays are comprising the achievement of contract requirements, Despite use of Agency resources.	Response to inquiries, technical/ service/administrative issues is not effective and responsive.
<b>1, Poor</b>	Nonconformances require major Agency resources to ensure achievement of contract requirements.	Cost issues require major Agency resources to ensure achievement of contract requirements.	Delays require major Agency resources to ensure achievement of contract requirements.	response to inquiries, technical/ service/administrative issues is marginally effective and responsive.
<b>2. Minimally Acceptable</b>	Nonconformances require minor Agency resources to ensure achievement of contract requirements.	Costs issues require minor Agency resources to ensure achievement of contract requirements.	Delays require minor Agency resources to ensure achievement of contract requirements.	Responses to inquiries, technical/ service/administrative issues is somewhat effective and responsive.
<b>3. Acceptable</b>	Nonconformances do not impact achievement of contract requirements.	Cost issues do not impact achievement of contract requirements.	Delays do not impact achievement of contract requirements.	Responses to inquires, technical/ service/administrative issues is usually effective and responsive.
<b>4. Good</b>	There are no quality problems.	There are no cost issues.	There are not delays.	Responses to inquiries, technical/ service/administrative issues is effective and responsive,
<b>5. Excellent</b>	The contractor has demonstrated an exceptional performance level in some or all of the above categories.			



b. Directives Referenced for Administration of DOC

- 1) PS 1110.2 Directives Management System
- 2) PS 1270.1 Victims Information and Notification Everyday (VINE)
- 3) PS 1300.1 Freedom of Information (FOIA)
- 4) PS 1300.2 Consent to Release of Information
- 5) PS 1300.3 Health Information Privacy
- 6) PS 1310.3 Volunteer Program
- 7) PS 1310.4 Citizens Advisory and Resource Committee
- 8) PS 1311.1 Research Activity
- 9) PS 1340.2 Media Relationship
- 10) PS 1441.1 Lawsuits Against Individual Employees
- 11) PS 2000.1 Fiscal Management
- 12) PS 2330.1 Property Management
- 13) PS 2420.2 Information Security Program
- 14) PS 3700.2 Employee Training and Staff
- 15) PS 3040.6 Personnel Security and Suitability
- 16) PS 3800.2 Accommodations for Persons with Disabilities
- 17) PS 6050.4 Mandatory Employee Drug/Alcohol Testing
- 18) PS 3300.1 Code of Ethics and Employee Conduct
- 19) PS 4020.1 Orientation (Inmates)
- 20) PS 4020.2 Admissions and Intake
- 21) PS 4060.2 Inmate Record
- 22) PS 6000.1 Medical Management
- 23) PS 7500.1 Physical Plant

5. **PROGRAM OBJECTIVES.** The expected result of this program are:
- a. Authority, responsibility and accountability for all major functions within DOC are defined.
  - b. The agency is administered and personnel are managed in a professional, responsible and ethical manner that is consistent with legal requirements.
  - c. Employees and persons who provide contract and volunteer services are physically and professionally qualified to perform the duties of their specific position.

6. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA) 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-C0-1A-12 and 2-C0-1A-13.
- b. American Correctional Association (ACA) 4<sup>th</sup> Edition Performance Based Standards for Adult Local Detention Facilities: 4-ALDF-7A-01, 4-ALDF-7A-02, 4-ALDF-7B-01, 4-ALDF-7B-02, 4-ALDF-7D-01, 4-ALDF-7D-02, 4-ALDF-7D-03, 4-ALDF-7D-04, 4-ALDF-7D-05, 4-ALDF-7D-14 and 4-ALDF-7E-01 through 4-ALDF-7E-04.

7. **ADMINISTRATION AND MANAGEMENT**

- a. Pursuant to DC Code § 24.211.02 Powers; promulgation of rules:
  - (a) Said Department of Corrections under the general direction and supervision of the Mayor of the District of Columbia shall have charge of the management and regulation of the Workhouse at Occoquan in the State of Virginia, the Reformatory at Lorton in the State of Virginia, and the Washington Asylum and Jail, and be responsible for the safekeeping, care, protection, instruction, and discipline of all persons committed to such institutions. The Department of Corrections with the approval of the Council of the District of Columbia shall have power to promulgate rules and regulations for the government of such institutions and to establish and conduct industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation, and reformation.
- b. However pursuant to DC Code § 24-101 Transfer of Prison System to Federal Authority:
  - (g) (1) Transfer of Functions. (A) Notwithstanding any other provision of law, to the extent the Bureau of Prisons assumes functions of the Department of Corrections under this subchapter, the Department is no longer responsible for such § § 24-211.01 and 24-211.02, that apply with respect to such functions are no longer applicable.

- c. DOC therefore maintains custody and control of pretrial offenders, sentenced misdemeanants, sentenced felons awaiting federal transfer, US Marshal-holds and other in-transit prisoners.
- d. District of Columbia Government agencies are administered pursuant to the District Personnel Manual (DPM). The DPM system is the official medium for the DC Department of Human Resources (DCHR) for issuing DC personnel regulations, implementing guidance and procedures, instructions and related material on District-wide personnel programs. This manual is available in the DOC Human Resources Division and on-line to employees. This manual includes at a minimum:
  - 1) An affirmative action program
  - 2) An equal employment opportunity program
  - 3) Personnel position classification, selection, retention, and promotion of all personnel on the basis of merit and specified qualifications
  - 4) Employee rights, work hours, compensation, benefits and retirement
  - 5) Code of conduct and ethics
  - 6) Rules and probationary employment
  - 7) Provisions of the Americans with Disability Act (ADA)
  - 8) Sexual harassment policy
  - 9) Employee grievance and appeal
  - 10) Employee Records
  - 11) Employee development, performance management, incentive awards and labor relations
  - 12) Infection control plan
  - 13) Employee disciplinary procedures
  - 14) Volunteer Services
- c. In addition, DOC maintains more agency/facility-specific policies and procedures as required.

8. **MISSION STATEMENT.** The mission statement of the DC Department of Corrections is:

The District of Columbia Department of Corrections (DCDC) is a team of highly trained, dedicated corrections professionals committed to maintaining the safety, security and order of the facility for inmates, staff, visitors and the community in a humane environment for pretrial detainees, misdemeanants and felons awaiting designation and transfer.

Through the use of sound correctional management principles, DOC provides programs and services for offenders that facilitate their successful reintegration into the community and provide accountability for victim's rights.

9. **OFFICE OF THE DIRECTOR.** The Director provides overall leadership and formulates measurable goals and objectives to carry out the mission and philosophy of DOC. The Director's Office represents the agency on compliance and legislative matters before the general public, Mayor, D.C. City Council and the Congress. The Office of the Director consists of:

- a. *The Office of the General Counsel (OGC)* – The Office of the General Counsel provides legal advice and guidance to the Director and DOC staff in the performance of their duties. The OGC serves as the primary liaison with the courts and other legal entities.
- b. *Internal Controls, Compliance and Accreditation* - Formulates written policies and procedures describing all facets of agency administration and operation and ensures sufficient management controls through compliance with policies, regulations and standards, inspections, program evaluations, corrective action.
- c. *The Office of Public Information (PIO)* – Serves as the primary point of contact for the media and release of public, emergency and non-emergency information concerning DOC and in conjunction with the human resources division, coordinates activities that contribute to the community.
- d. *The Office of Internal Affairs (IA)* – Conducts pre-employment background investigations of potential employees, investigates allegations of fraud, abuse and unlawful conduct and criminal activity at DOC facilities, investigates escapes and absconds and supports law enforcement entities in the apprehension of inmates, and investigates all matters pertaining to allegations of sexual abuse or sexual misconduct in accordance with the 2003 Prison Rape Elimination Act.

- e. *Risk Management* – Identifies, assesses, and prioritizes operational risks. Coordinates development of risk management and mitigation strategies for the Agency. Maintains up to date Agency Risk Management plans.
10. **OFFICE OF THE DEPUTY DIRECTOR.** The Deputy Director oversees day-to-day operations of DOC correctional system, ensures coordinated service delivery, and initiates system wide changes. This includes three major functions:
- a. *Administration and Management* in the areas of contract administration, human resources management, medical management, management of information and technology, fiscal management and employee training and development.
  - b. *Operations* for the management of correctional facilities to include but not be limited to environmental and physical plant safety, and prisoner care and custody.
  - c. *Program Activities and Services* for inmates to include opportunities for self-improvement and treatment, community release and transition services and community involvement through religious and volunteer programs.
11. **WARDEN.** The Warden is responsible for the day-to-day operation of the Central Detention Facility to include inmate security and custody, inmate population management, transportation, case management, inmate records management, food services, environmental safety, health services and facilities management.

  
Devon Brown  
Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

**OPI:** DIRECTOR  
**Number:** 1280.2C  
**Date:** February 8, 2007  
**Supersedes:** 1280.2B  
**Subject:** Reporting and Notification  
Procedures for Significant  
Incidents and Extraordinary  
Occurrences

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1. **PURPOSE AND SCOPE.** To establish standardized procedures for reporting significant incidents and extraordinary occurrences within the D.C. Department of Corrections (DOC).
2. **POLICY.** It is the policy of the DOC that when an extraordinary occurrence or significant incident occurs timely notification will be made and accurate reports will be submitted.
3. **APPLICABILITY.** This directive applies to all DOC employees.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Non-routine events that may affect the District of Columbia Department of Corrections (DOC) operations, including contract facilities, that are sensitive in nature or that are of potential interest to the news media will be reported both uniformly and timely to Department of Corrections officials and designated agencies.
  - b. Standardized forms shall be used for reporting and documenting significant incidents and/or extraordinary occurrences.
5. **NOTICE OF NON-DISCRIMINATION.**
  - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
  - b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited

discrimination when making administrative decisions and in providing access to services, programs and activities.

**6. DIRECTIVES AFFECTED**

a. **Directives Rescinded.** None

b. **Directives Referenced**

- 1) PS 1280.3            Erroneous Release and Escape Reporting
- 2) PS 3310.4G        Sexual Harassment of Employees
- 3) PS 3350.2D        Sexual Misconduct Against Inmates

**7. STANDARDS REFERENCED**

a. American Correctional Association 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities: 4-ALDF-2A-11

**8. AUTHORITY.**

a. D.C. Code § 24-11.02, Powers; Promulgation of Rules

**9. DEFINITIONS**

a. Significant Incident – Any unplanned event or activity that disrupts the normal, orderly operation of an institution, facility or work unit but does not pose an immediate threat to life and /or property. Significant Incidents include but are not limited to:

- Miscounts
- Verbal Confrontations
- Suicide gestures not requiring hospitalization
- Halfway House curfew violations
- Vehicle accidents that do not result in personal injury or serious property damage

b. Extraordinary Occurrence – Any event, planned or unplanned, which results in loss of life, serious bodily injury or poses an immediate threat to the health, safety and/or welfare of staff, inmates or the general public. Extraordinary Occurrences include but are not limited to:

- Escape/Attempted Escape
- Erroneous/Late Release

- On Duty Death of Staff Member
  - Death of an Inmate
  - Assaults
  - Disturbance
  - Hostage Situation
  - Fire
  - Inmate Work Stoppage
  - Staff Work Stoppage
  - Suicide/Attempted Suicide
  - Use of Force
  - Major Utility/Equipment failure or incidents regarding a major utility, utility system or essential equipment
  - Vehicular accidents resulting in personal injury or serious property damage
  - Arrest of an employee
  - Medical Emergency requiring 911 response
  - Criminal Activity requiring notification to OIA or MPD.
  - Discharge of a Firearm (other than training)
  - Failure to Clear a Recount
  - Discovery of firearms (homemade or manufactured), drugs and controlled substances
  - Any unusual incident which may be newsworthy or politically sensitive
  - Any unusual incident involving a high profile inmate
  - Any other matter which the Warden, Administrator or Office Chief determines to be of an extraordinary nature
- c. Notification – The initial verbal exchange of information regarding a significant incident or extraordinary occurrence.

- d. Report – The formal, written exchange of information regarding a significant incident or extraordinary occurrence submitted using the DOC Form 1 (Employee report ) and DOC Form 2 (Supervisors Report)
- e. Initial Report – A report containing information immediately available following a significant incident or extraordinary occurrence
- f. Supplemental Report – A report containing additional information, which becomes available after the initial report has been filed.
- g. Final Report – The report containing all available information regarding a significant incident or extraordinary occurrence.

## 10. NOTIFICATION PROCEDURES

### a. Significant Incidents

- 1) When a significant incident occurs the senior supervisor on duty shall ensure that notification is made, through the appropriate chain of command, to the level of the CDF Major for Operations, Administrator or Office Chief who will make a decision to stop the notification process at that level or continue notification to the executive staff level.
- 2) Notifications shall be initiated as soon as reasonably practical, usually within 1 hour of the discovery of the incident.
- 3) Notifications will be recorded on the standard DOC Notification Forms

### b. Extraordinary Occurrences

- 1) In the event of an extraordinary occurrence, the senior supervisor on duty shall ensure that notification is made, through the chain of command, to the Director.
- 2) In the event of an escape, suspected escape, erroneous release or walkaway from the D.C. Jail or a halfway house, the senior supervisor on duty shall ensure that the Warrant Squad is notified as required by PS 1280.3 “Erroneous Release and Escape Notification”.
- 3) Notifications shall be initiated as soon as reasonably practical, usually within 1 hour of the discovery of the incident
- 4) Notifications shall be recorded on the standard DOC Notification Forms

## 11. REPORTING PROCEDURES

### a. Employee Reports

- 1) Any employee who is directly involved in, witnesses or becomes aware of a significant incident or extraordinary occurrence shall make immediate verbal notification to a supervisor.

- 2) As soon as reasonably practical, usually within 1 hour following the incident or occurrence, the employee shall complete the DOC Form 1 (Employees Report of Significant Incident/Extraordinary Occurrence) and submit it to his/her supervisor. Employees may not leave the work site until the report is submitted.
  - 3) The Supervisor in charge of the incident or occurrence shall complete the DOC Form 2 (Official Report of Significant Incident/Extraordinary Occurrence)
  - 4) As soon as reasonably practical, usually within 1 hour following the Extraordinary Occurrence, the reporting supervisor shall transmit an initial report, by E-Mail or Fax, to the Office of the Director. The Directors Correspondence Unit shall forward a copy of the report to the following officials.
    - Appropriate Deputy Director
    - Warden, Administrator or Office Chief
    - Media and Public Relations Chief
    - General Counsel
    - Internal Affairs Chief
  - 5) If additional information becomes available after the initial report has been filed, the reporting supervisor shall file a supplemental report and transmit it to the Office of the Director. The Directors Correspondence Unit shall distribute copies of the supplemental report to the officials listed in section 4, above
  - 6) Within 5 working days after the extraordinary occurrence the formal Extraordinary Occurrence Report Package shall be forwarded through the chain of command to the Office of the Director. The package shall contain the original initial, supplemental and final report forms, a cover letter from the Warden, Administrator or Office Chief summarizing the incident and any other pertinent information.
- b. **Special Reporting Procedures – Sexual Misconduct and Sexual Harassment**  
In addition to the notification and reporting procedures contained in this Program Statement, court ordered procedures for reporting incidents of Sexual Misconduct against Inmates and Sexual Harassment against Employees contained in Department Orders 3350.2D and 3310.4G must also be followed.



Devon Brown  
Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

## Program Statement

OPI: OICCA  
Number: 2000.2  
Date: April 6, 2001  
Subject: Retention and Disposal of  
Department Records

- 1. PURPOSE AND SCOPE.** To issue a Records Retention Schedule and emergency implementation procedures for a record disposition and disposal program for the DCDC. A records disposition program provides for the effective and efficient management of records no longer needed in office space to conduct current business.

This directive does not contain procedures for management of microfiche, audiovisual and electronic records.

### **2. PROGRAM OBJECTIVES.**

- a. Records will be disposed of in compliance with the *Records Retention Schedule* (Attachments 1 and 2).
- b. Temporary records whose authorized retention periods have expired will be promptly disposed of, usually by destruction or occasionally by authorized donation to eligible persons or organizations.
- b. Records no longer needed in the office space but not yet eligible for final disposition will be timely and systematically transferred to a designated records storage site.
- c. The identification, retiring, transfer and retrieval of records at the Washington National Records Center (WNRC) shall be timely implemented.

### **3. DIRECTIVES REFERENCED**

D.O. 1300.1A "Freedom of Information Act (FOIA) and Privacy Act," (4/5/78)

### **4. AUTHORITY**

- a. D.C. Code Chapter 29 "Public Records Management" §§ 1-2901, 2902 and 2906

- b. District Personnel Manual (DPM), Chapter 31A, "Records Management and Privacy of records."

## 5. STANDARDS REFERENCED

- a. American Correctional Association 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-1E-01.
- b. American Correctional Association 3<sup>rd</sup> Edition Standards for Adult Local Detention Facilities: 3-ALDF-1E-01
- c. American Correctional Association (ACA) 3<sup>rd</sup> Edition Standards for Adult Correctional Institutions: 3-4092
- d. American Correctional Association 3<sup>RD</sup> Edition Standards for Adult Community Release Services: 3ACRS-1E-01

## 6. RESPONSIBILITIES

- a. **THE RECORDS MANAGEMENT OFFICE (DCRMO) for the District of Columbia Government.** Provides oversight for the DCDC records management program. This agency is responsible for appraising all District records, approving their disposition, providing program assistance and records center storage, evaluating records management programs and serving as the custodian of permanent records.
- b. **DCDC RECORDS ADMINISTRATOR.** In accordance with D.C. Code § 1-2906, an employee shall be designated as the Records Management Officer of the Agency, who shall carry out the records management program activities and serve as liaison to the D.C. Public Records Administrator. Program responsibilities include issuing up-to-date records management program directives, staff training and monitoring of the program to ensure compliance with the DCDC policy and procedures, and D.C. government statues and regulations. The DCDC Records Management Officer shall :
  - 1) Lead and manage a department-wide records management program.
  - 2) Develop records management policies, procedures, guidance and training materials.
  - 3) Coordinate the approval of the Department's records disposition schedules and training materials.
  - 4) Coordinate records management issues with other D.C. Government agencies.
  - 5) Serve as the DCDC Vital Records Officer and coordinate with the department's

emergency management program.

- 6) Ensure that designated DCDC staff are aware of their records management responsibilities.
  - 7) Conduct periodic evaluations of the records management programs within the DCDC.
  - 8) Implement approved records dispositions, ensuring that no records are destroyed without proper authorization as specified by the D.C. Records Schedule.
  - 9) Inventory and schedule records created and maintained by the DCDC.
- 
- 10) Systematically review records disposition schedules, file plans, and procedures on a triennial basis to ensure that they are current and update them as necessary.
  - 11) Conduct a program of regular internal records management reviews to assist programs in implementing appropriate records management procedures.
- c. **The DCDC General Counsel** shall assist in determining what records are needed to provide adequate and proper documentation of Department activities and in specifying appropriate retention for records. The Inspector General shall assist in determining the retention of Department records that may be needed for internal audit purposes. Department managers are responsible for ensuring that their programs are properly documented and that records created by their program areas are managed according to relevant regulations and policies.
- d. **DCDC Executives, Wardens, Administrators and Office Chiefs** shall:
- 1) Ensure that this directive is implemented and adhered to within their respective areas of program responsibility.
  - 2) Each Executive Manager, Warden, Administrator or office chief shall conduct an annual Internal Review, documenting compliance with procedures contained within this directive.
- e. **All DCDC employees and contract staff** shall:
- 1) Safeguard all records they create, collect or maintain commensurate with the risk and magnitude of the harm that would result from the loss, misuse, unauthorized access to or modification of information. Appropriate safeguard's shall be adopted to ensure confidentiality and overall security as required in PS 1300.1B "Freedom of Information Act (FOIA) and Privacy Act".

- 2) Conduct work in accordance with D.C. Government records management regulations and DCDC records management policy and procedures.
  - 3) Create and manage the records necessary to document their official activities. This includes creating appropriate records documenting meetings, conversations, electronic mail messages, telephone calls and other forms of communication that affect the conduct of official Department business.
  - 4) Destroy records *only* in accordance with approved records disposition schedules, and remove records from the DCDC *only* with authorization.
  - 5) File personal papers and nonrecord materials separately from official DCDC records.
- f. The DCDC Training Administrator shall, in consultation with the Records Administrator, develop and administer training for identified employees to ensure that requirements of this Program Statement are met.

## 7. REQUIREMENTS

- a. **RECORDS MANAGEMENT.** Records Management means the managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the District Government, and effective and economical management of agency operations.

In setting forth records management responsibilities, District law requires each agency head to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency, that are designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities

- b. **RECORDS.** As the basic administrative tool by which the Government does its work, records are a basic component of each agency's information resources.
- 1) Records are important because they: protect the legal, financial, and other rights of the Government and its citizens; ensure continuity and consistency in administration; assist agency officials and their successors in making informed policy and program judgments; provide information required by the Congress and others to oversee the agency's activities; and document the agency's organization, structure, and achievements.
  - 2) Records are made or received by a District agency either to comply with a law or to conduct public business. As a result, they belong to the Government rather than to

individuals, and their legal disposition depends on the prior approval of the Archivist of the District of Columbia.

- 3) Records are, or should be, preserved because they constitute evidence or contain information of value. They document an agency's organization, functions, and activities or the persons, places, things, or matters dealt with by an agency. Agency records' value falls into three overlapping categories:

**a) Administrative Value**

All records have administrative value because they are necessary to conduct the agency's current business. The duration of this value may be long or short. ~~Some records, such as program directives, have long-term administrative value.~~ Others, such as messenger service files, have short-term administrative value. Many records at operating levels have short-term administrative value because they are correspondence duplicated elsewhere, reports summarized at higher agency levels, or logs serving as temporary controls.

**b) Fiscal Value**

Along with general administrative value, some records may have fiscal value. Records with fiscal value document the agency's financial transactions and obligations. They include budget records; which show how expenditures were planned; voucher or expenditure records, that indicate the purposes for which funds were spent; and accounting records; that classify and summarize agency expenditures.

**c) Legal Value**

Besides administrative and fiscal value, records may also have legal value. Special concern for legal value applies only to temporary records, because if records are permanent they will always be available to protect legal rights. The DCRS designates as temporary many records with legal value, such as those relating to contracts, claims, property disposal, payroll, and civilian personnel.

Some legal values relate to records that the law requires the Government to create and maintain in the course of its operations. Others, however, are quite broad and do not necessarily involve an agency's operations. Instead they are intended to protect the rights of individuals and organizations. Such records are useful in documenting legally enforceable rights or obligations of the Government and persons directly affected by an agency's activities.

Examples of records with legal value include formal decisions and legal opinions; documents containing evidence of actions in particular cases, such as claims papers and legal dockets; and documents involving legal agreements, such as leases, titles, and contracts. They also include records relating to criminal investigations, workers' compensation, exposure to hazardous material,

and the issuance of licenses and permits. Still other examples include records relating to loans, subsidies, and grants; entitlement programs such as food stamps and social security; and survivor benefits in Government pension and other programs.

- 4) Records vary widely in their physical form or characteristics. They may be on paper, electronic, audiovisual, microform, or other media.
- 5) According to the life cycle concept, records go through three basic stages: (1) creation (or receipt), (2) maintenance and use, and (3) disposition.
  - a) **Disposition** means those actions taken regarding District records after they are no longer needed in office space to conduct current agency business.
  - b) **Disposal** refers to only those final actions taken regarding temporary records that expire after their retention periods. It normally means destruction of the record content, such as by recycling or burning the record. It is the final action taken regarding expiration of a temporary records retention period. The term is also used occasionally to mean the transfer of temporary records from District control by donating them to an eligible person or organization after receiving the DCRMO's approval.
  - c) **Scheduling** records is the process of developing a document that provides mandatory instruction for what to do with records no longer needed for current government business. This document is the DCDC Records Retention Schedule.
- 6) Most records cannot and should not be kept permanently or even for long periods. All records, regardless of media, fall into one of two categories for disposition purposes:
  - a) **Temporary records.** These should be destroyed, or in rare instances donated, after a fixed period of time or after occurrence of a specified event. The time may range from a few months to many years. Most District records are temporary.
  - b) **Permanent records.** These are sufficiently valuable for historical or other purposes to warrant continued preservation by the District Government. Relatively few District records are permanent, although the exact percentage differs from agency to agency.
- 7) Nonrecord Materials
  - a) Only the Records Administrator shall determine record or nonrecord status, after obtaining any necessary advice from the agency's legal counsel. The following guidelines apply to nonrecords:

- (1) Nonrecord materials should not be filed together with records.
- (2) Nonrecord materials should be destroyed when no longer needed for reference.
- (3) DCRMO's approval is not required to destroy such materials.

b) Nonrecord materials currently include:

- (1) Information copies of correspondence, directives, forms, and other documents on which no administrative action is recorded or taken.
- ~~(2) Routing slips and transmittal sheets adding no information to that contained in the transmitted material.~~
- (3) Tickler, follow up, or suspense copies of correspondence, provided they are extra copies of the originals.
- (4) Duplicate copies of documents maintained in the same file.
- (5) Extra copies of printed or processed materials for which complete record sets exist, such as current and superseded manuals maintained outside the office responsible for maintaining the record set.
- (6) Catalogs, trade journals, and other publications that are received from other Government agencies, commercial firms, or private institutions and that require no action and are not part of a case on which action is taken.
- (7) Physical exhibits, artifacts, and other material objects lacking evidential value.

**8) Personal Papers**

- a) Some Government employees, especially executives, senior staff, scientists, and other specialists, accumulate and keep various personal papers at the office. The maintenance of personal papers in agency space and equipment requires agency approval and also compliance with District and agency requirements. If kept there, such personal papers must be clearly designated as such and maintained separately from records.
- b) Personal papers are documentary materials belonging to an individual that are not used to conduct agency business. They relate solely to an individual's personal and private affairs or are used exclusively for that individual's convenience. They may refer to or comment on the subject matter of agency business, provided they are not used to conduct that business. In contrast to both records and nonrecord materials, personal papers are not Government-

owned. Certain documentary materials are clearly personal and may readily be identified and claimed as such. Categories of personal papers include:

c) Materials accumulated by an individual before joining Government service that are not later used to conduct Government business. Examples include previous work files, political materials, and reference files.

(1) Materials brought into or accumulated in the office that are not used to conduct agency business and that relate solely to an individual's family matters, outside business pursuits, professional activities, or private political associations. Examples include family and personal correspondence, volunteer and community service records, literature from professional organizations, and manuscripts and drafts of articles and books.

(2) Work-related materials, such as diaries, journals, notes, personal calendars, and appointment schedules, that are not prepared, received, or used in the process of transacting agency business. Although these materials contain work-related information, they are personal papers if they are claimed as such and serve only the individual's own purpose (e.g., as reminders and personal observations about work-related and other topics). This category is the most difficult to distinguish from agency records because of its work-related content.

d) Some materials appearing to be personal papers could prove to be agency records. Determining their record status depends on all the circumstances of their creation, maintenance and use, and disposition.

e) Even though documentary materials may have designations such as "personal," "confidential," or "private," they are records if they are created or received by the agency to conduct Government business and if they are preserved or appropriate for preservation because they document the agency's organization, functions, and activities or contain information on the persons, places, things, or matters dealt with by the agency.

f) Employees shall be careful not to mix personal papers with District records. Although personal papers may be destroyed or removed at the owner's discretion, it is illegal to destroy or remove records without proper authorization.

## 9. PROCEDURES.

Each employee and manager of the DCDC shall manage records throughout their life cycle that includes the following components:

a. Records Creation/Collection. An official record shall be created to appropriately document all department functions, policies, decisions, procedures and essential transactions.

b. **Records Maintenance and Use.** Record filing, indexing and storage shall be maintained in accordance with DO 1210.1A, "Department of Corrections Standard Filing System", dated September 1, 1974.

c. **Records Disposition**

- 1) DCDC records that match those identified in the overall District of Columbia Government Records Retention Schedule are listed in Attachment 1. This schedule shall be strictly and timely adhered to for the disposition and disposal of identified records.
- 2) In addition, DCDC specific records are identified in the DCDC Records Retention Schedule (Attachment 2). This schedule shall be strictly and timely adhered to for the disposition and disposal of identified records.
- 2) Employees shall not destroy any records that are not included on the Records Retention Schedule. In this instance, the employee shall consult with the DCDC Records Administrator for disposition guidance.
- 3) Requested changes to the Records Retention Schedule (i.e., to include records not contained in the Records Retention Schedule or to transfer, retain or destroy records for a different time period) must be submitted to the DCDC Records Administrator for change approval by the DCRMO.
- 3) Identify and segregate files that are targeted for storage, transfer, or destruction.

**10. Storage of Records Outside of the Office**

- a. Each employee must pack records in the original filing order or a logical order that requires minimum retrieval time.
  - 1) Only boxes of the type and size contained on page 1 of Attachment 2 can be used.
  - 2) Pack the boxes as if they are file drawers. They should be in the same order in which are maintained in active files.
  - 3) Place letter-size records in the box with labels facing the numbered end. The numbered end should be opposite the stapled end.
  - 4) Place legal-size records in the box so that the labels face the left of the box as you face the numbered end.
  - 5) Leave all guides and tabs in the records if they will help WNRC personnel service the records.

- 6) Do not over pack the boxes. Do not add additional material.
  - 7) Each box must be at least 3/4 full.
  - 8) Using a black magic marker, in the upper left corner of the box, write the Accession Number (for example: 351-99-111). The (351) describes the records group classification. The (99) describes the year the records are transferred or marked for storage. The (111) describes the one time unique number of the records that are transferred or stored.
  - 9) On the upper right corner of the box, same side as the accession number, write the number of the particular box and the total number of the boxes in the entire accession group. For example, label the first box in an accession group of 50 boxes, 1/50. The one represents the first box in an accession group of 50.
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- 10) Prepare a list of the files that are contained in each storage box.
- b. The procedures listed below shall be adhered to in the retirement of records to the National Records Center (NRC).
- 1) Perform all Steps In § a.(1) through (10) above.
  - 2) Complete the SF 135 Washington National Records Center (WNRC) request and forward it to the DCDC Records Administrator
  - 3) The Records Administrator shall review the request to determine that it complies with the DCDC Retention Schedule and the procedures contained herein. Requests determined to be in noncompliance will be returned to the requesting service area for corrective action.
  - 4) Requests meeting the necessary requirements for retirement to WNRC shall be logged into the Request for Records Retirement database for tracking and transport purposes.
  - 5) The DCDC Records Administrator shall forward each Request for Retirement to the D.C. Records Management Office for approval.
  - 6) The DCDC Records Administrator shall log each approval in the tracking database and return the approved request(s) to the requesting service area with the required SF 135, "Records Transmittal and Receipt".
  - 7) Records shall be prepared for retirement to the WNRC in accordance with Attachment 2, page 12 and transported to the Lorton Supply Management Office for pickup and delivery to the WNRC. The original SF 135 shall be submitted with approved records for retirement.

8) A sample of each record being retired or destroyed (see Section 11 for destruction) shall be included with the SF 135 or the documented request for destruction.

**11. Disposal of Records.** Temporary records no longer needed to conduct agency business shall be disposed of by destruction as follows:

- a. Utilization of shredders when the volume of records do not exceed 25 boxes
- b. Sent to the Office of Facilities Management to be burned at the authorized incinerator, or
- c. By donation to an eligible person(s) or organization(s) after receiving approval by the D.C. Records Management Office.

For recordkeeping purposes service areas shall provide the DCDC Records Administrator with a listing of all records destroyed and/or donated. The list shall include date of and means of disposal; if donated, the name and location of the individual or organization receiving the donated records.

  
Odie Washington  
Director

**Attachment - DCDC Records Retention and Disposal Schedule**

### REQUEST FOR APPROVAL OF AGENCY RECORDS RETENTION SCHEDULE

1. Name of Agency <b>DC DEPARTMENT OF CORRECTIONS</b>		2. Schedule No. <b>01-01</b>	3. Amendment No.
4. Person with Whom to Confer <b>Regina C. Gilmore</b>	5. Address <b>1923 Vermont Ave N-119 NW DC 20001-4125</b>		6. Telephone <b>(202) 671-2059</b>

7. Action Requested

A. \_\_\_\_\_ Approval of agency records retention schedule

B. \_\_\_\_\_ Approval of amendment to agency retention schedule

C.  Approval of revised agency retention schedule

8. Remarks

Signature of Agency Representative <i>Odie Washington</i> <b>Odie Washington</b>	Title <b>Director</b>	Date <b>4/5/01</b>
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#### CONCURRENCES AND APPROVALS

Signature of D.C. Archivist <i>Robert S. Nelson</i>	Date <b>April 6, 2001</b>
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Signature of Public Records Administrator <i>Cheryl Ann</i>	Date <b>06 Apr '01</b>
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**PS 2000.2**  
**4/12/01**  
**Attachment 2**

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**D.C. Records Schedule 701-01**  
***D.C. DEPARTMENT OF CORRECTIONS***

**District of Columbia Government  
SCHEDULE ~ AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain In Office	Retention in Records Center
	<p align="center"><b>DEPARTMENT OF CORRECTIONS</b></p> <p>The D.C. Department of Corrections (DCDC) was established pursuant to D.C. Code 24-441 to be under the charge of a Director appointed by the Mayor of the District of Columbia. DCDC is responsible for the safekeeping, care, protection, instruction, and discipline of all persons committed to its prisons, institutions and facilities-. promulgates rules and regulations for the establishment of industries, farms, and other activities, to classify the inmates, and to provide for their proper treatment, care, rehabilitation and reformations.</p>			
1	<p align="center"><b>Office of the Director</b></p> <p>The Office of the Director provides overall leadership in the formulation, development, and implementation of policy, plans, and programs to carry out the mission and philosophy of the Department. Monitors and ensures that court ordered requirements are met and represents the agency on compliance matters before the general public, Mayor, D.C. City Council and Congress.</p> <p><b>Subject Files.</b> Arranged chronologically by program area. Files include general correspondence and memoranda, meeting minutes with internal staff, Mayoral Cabinet meetings, one fund daily activities, plans, reports, manuals, and management reform policy, and other records that document other major functions of the office.</p> <p><b>Permanent.</b> Weed files of duplicate and other non-records. Cut files at the end of the calendar year. Retain in office (inactive files) for 2 years. Transfer to Records Center for 4 years. Transfer to Archives when 5 years old.</p>	Permanent	2 years	3 Years Transfer To Archives
2	<p><b>Investigative Report Files.</b> Arranged chronological by date and thereafter by pre-assigned numbers. Files include correspondence, sexual harassment complaints, extraordinary occurrence/significant incident reports, after action investigative reports, and other related records.</p> <p><b>Permanent.</b> Cut files 1 year after investigation is completed. Retain in office for 3 years. Transfer to Records Center for 3 years. Review by Archives for final disposition 7 years after investigation is completed.</p>	Review by Archives in 7 years	3 years	4 years

**District of Columbia Government  
SCHEDULE ~ AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
3	<p style="text-align: center;"><b>Office of the General Counsel (OGC)</b></p> <p>The Office of the General Counsel provides legal advice and guidance to the Director and executive staff of the DCCDC. Coordinates legal training and program development-, serves as a Point of Contact For other law enforcement agencies.</p> <p>Case Files: Arranged chronologically by Civil Action No. Files include complaint forms, correspondence, notices, notes, discovery documents, testimonies, reports, transcripts, and other related records and materials.</p> <p>Cut files when case is closed. Retain in office 2 years after final disposition. Transfer to Records Center for 5 years. Destroy 7 years after final disposition.</p>	7 Years	2 Years	5 Years
4	<p>Notices of Intent to Sue: Filed alphabetically by last name. Files include notices of intent to sue, Correspondence, notes, and other related records.</p> <p>Cut files at end of calendar year. Retain in office 2 years. Destroy 3 years after filing date.</p>	3 Years		
5	<p>Special Master Files: CA 93-2420 Bessye Neal vs. DCCDC - Class Action (Sexual Harassment) Law Suit filed by Bessye Neal. Arranged alphabetically by last name of complainant, and thereafter by members of Protective Class who qualified to be included in the Class Action suit. Files include complaints, testimonies, correspondence, court orders, recommendations, resolutions, transcripts, and other related records.</p> <p>Cut files when case is closed. Retain in office 3 years. Transfer to Records Center for 5 years. Offer to Archives when 8 years old.</p>	Permanent	3 Years	5 Years to Archives
6	<p>Subpoenas: Filed chronologically by Civil Action No. Files include legal orders requesting people to testify in court, correspondence, and other related documents.</p> <p>Cut files at end of calendar year. Retain in office for 2 years. Transfer to Records Center for 3 years. Destroy after 5 years.</p>	5 Years	2 Years	3 Years

**District of Columbia Government  
SCHEDULE ~ AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain In Office	Retention in Records Center
7	<p><b>Interstate Detainer on Agreement Act Forms.</b> Arranged alphabetically by inmate's name. Files include Correspondence, Inmate Transfer request forms, and other related documents.</p> <p>Cut files at end of calendar year. Retain in office for 1 year. Destroy after 2 year.</p>	2 years	1 year	
8	<p><b>Freedom of Information (FOIA) Files</b> See District of Columbia General Records Schedule (DCGRS), Schedule 14, Items 16-20.</p>			
9	<p align="center"><b>Office of Internal Affairs</b></p> <p>The Office of Internal Affairs conducts investigations to ensure that the agency's programs are operating in compliance with laws, regulations, policies, procedures, and standards to protect the agency against fraud, abuse and unlawful conduct of its employees, and to investigate reports of escape and apprehension of inmates.</p> <p><b>Subject Files.</b> Arranged alphabetically by subject. Files include correspondence, memoranda, reports and other related documents.</p> <p>Cut files at end of calendar year. Retain in office (inactive files) for 1 year. Transfer to Records Center for 3 years. Destroy after 5 years.</p> <p><b>Investigation Files.</b> Arranged chronologically by date. Files includes correspondence, notes, reports Reports, forms, and other related documents.</p> <p>Cut files 1 year after completion of investigation. Retain in office for 4 years. Transfer to Records Center for 3 years. Offer to Archives after 8 years.</p>	5 years	1 year	4 years
10	<p align="center"><b>Office of Public Affairs</b></p> <p>Provides direction and management of public information services. Disseminates information to the media and community relative to escapes, institution/facility disturbances and employee Misconduct.</p>	8 years	5 years	4 years

**District of Columbia Government  
SCHEDULE ~AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
11	<p>Subject Files. Arranged alphabetically by subject and thereunder chronological by dates. Files include Correspondence public statements, testimonials, speeches, inmate consent and media forms.</p> <p>Permanent. Cut files at the end of the calendar year. Retain in office for 4 years. Transfer to Records Center for 3years. Offer to Archives after 8 years.</p>	Permanent	5 Years	3 Years
12	<p>News releases. Arrange chronologically by dates.</p> <p>Permanent. Cut at end of calendar year. Retain in office 2 years. Transfer to Records Center for 2 years old. Offer to Archives after 4 years.</p>	Permanent	2 Years	2 Years
13	<p>Office Files. Arranged alphabetically by subject. Files include correspondence, legislation, studies, reports, mayoral orders and memoranda, and other related files.</p> <p>Cut file at 4-year intervals. Retain in office for 1 year. Transfer to Records Center for 3 years. After 8 Years, review by Archives for final disposition.</p>	Review by Archives for Final Disposition	5 Years	3 Years
14	<p align="center"><b>Office of Internal Controls, Compliance and Accreditation</b></p> <p>The Office of Internal Controls, Compliance and Accreditation ensures the agency complies with laws, Constitutional requirements, local regulations, policies and procedures, and national standards for prisons via annual audits. It manages the agency Policy and Procedures and accreditation programs.</p> <p>Subject Files. Arranged chronologically by [assigned number] of institutions. Files include Correspondence, court orders, compliance, audit, tracking reports, special officer and monthly reports, abatement plans, memoranda of agreement (MOA), and legal opinions.</p>	10 Years	5 Years	5 Years
15	<p>Cut files at end of calendar year. Retain in office for 5 years. Transfer to Records Center for 5 Years. Destroy after 10 years.</p> <p>Survey and Inspection Files. See DCGRS, Schedule 18, Item 10.</p>			

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SCHEDULE AMENDMENT Page 5 of 16  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Retention		
		Total Retention	Maintain In Office	Retention in Records Center
16	Administrative Management Records. Formal directives, i.e. Program Statements, Operation Memorandum, Technical Reference Manuals, Program Guidelines, and procedural and operations manuals. No cut off. On-going files.	Permanent		
			<b>External Confinement and Monitoring</b>	
17	The Office of External Confinement and Monitoring monitors contract with privately run correctional facilities in compliance with the National Capitol Revitalization and Self Government Act of 1997.  Program Files. Arranged alphabetically by subject and thereafter chronologically by date. Files include correspondence, incidents, facilities inspections, and annual reports, contracts, service, facilities, inmate housing files, daily inmate population count files, and other related records.  Cut files at end of the calendar year. Retain in office 1 year. Transfer to Records Center for 3 years. Destroy after 8 years.	8 Years	5 Years	3 Years
19	CA No. 90-793 Green v. DC Compliance Reports. Arranged chronologically by date and thereafter numerically by pre-assigned number of report. Files include correspondence, logs of court related services provided to inmates, law library materials list, and other related records.  Cut files at end of calendar year. Retain in office for 2 years. Destroy when 2 years old, or when no longer needed.	3 Years	3 Years	
				20
Financial Management				
The Office of Financial Management develops and monitors DDCDC's budget. The Office is responsible for making vendor's payments, revenue collections, and processing of the Agency's payroll and the inmate banking system.				

Cut files after audit. Retain in office for 2 years. Transfer to Records Center for 3 years. Destroy 5 years after audit.

**District of Columbia Government  
SCHEDULE AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Items	Records Retention Series			
	Total Retention	Maintain in Office	Retention in Records Center	
21	SOAR (Standard of Accounting and Reporting) Revenue/Receipts. Arranged chronologically by Dates and numerically by receipts. Files include the availability, collection, custody and deposit of Funds, including appropriation warrants and certificate in the SOAR system.  Cut files after audit. Retain in office for 3 years. Transfer to Records Center for 5 years. Destroy 8 years after audit.	8 Years after Audit	3 Years after Audit	5 Years after audit
22	Accountable Officers' Account Records. See DCGRS, Schedule 6.			
23	Payroll and Pay Administration Records. See DCGRS, Schedule 2.			
24	Expenditure Accounting Records. See DCGRS, Schedule 7.			
25	Voucher Schedule Payment. Arranged chronologically.			
26	Procurement, Supply, and Grant Records. See DCGRS, Schedule 3.			
27	Travel and Transportation Records. See DCGRS Schedule 9.  <p align="center">Deputy Director for Administration</p>			
28	The Office of the Deputy Director for Administration provides overall direction for program Analysis, Human Resource Management, Health Services, Special Needs/Religious and Volunteer Services, Facilities Management, Supply Management, Transportation Unit, and Management Information Systems.  Subject Files. Files arranged according alphabetically by program area. Files include Correspondence memoranda, meeting minutes, plans, reports, manuals, directives, legal Records, operation and administrative files, and records that document the organization, policies, Procedures, and major functions of the office.  Cut files at 4-year interval. Retain in office for 1 year. Transfer to Records Center after 3 years. Offer Archives when 8 years old.	Permanent	5 years	3 years to Archives

District of Columbia Government  
 SCHEDULE AMENDMENT  
 RECORDS RETENTION SCHEDULE 701-01

Items	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
29	Labor Management Relations Records. See DCGRS, Schedule 1, Item 24			
30	Supply Management. <b>This Unit is responsible</b> for the management and inventory of supplies and Equipment for the Agency.			
31	Property Disposal Records. See DCGRS, Schedule 4.			
32	Reformatory/Inmate Squad Count Slip. Arranged chronologically by date, and thereunder by last name of Inmate. Content on slip includes head count, accountability, and tracking information. Retain in office for 1 year then destroy.	1 year destroy		
33	Communication Records. See DCGRS, Schedule 12.			
34	Subject Files. Arranged numerically. Includes Sewage and Waste Test Report, Daily Work Tickets for Repairs and other files as listed.	5 years	3 years	2 years
35	Cut files December 1st Retain in office for 3 years. Transfer to Records Center for 2 years. Destroy when 5 years old.			
34	Architectural Design, and Engineering Drawings and Related Records (Easement and Right-Away, Deeds, Property Transfers). See DCGRS, Schedule 22.			
35	Lorton Closure Reports. Arranged chronologically by date and thereunder numerically by pre-determined identification numbers. Reports consist of database that lists task, and duration, start, and finish dates.	Permanent	1 year or When report Is completed	4 years to Archives
	Cut files at end of calendar year or when report is completed. Transfer to Records Center for 4 years. Offer to Archives when 5 years old.			

District of Columbia Government  
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**RECORDS RETENTION SCHEDULE 11701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
36	<p>Transportation Unit. This Unit is responsible for the overall Inmate transportation services and provides maintenance for the Agency motor fleet.</p> <p>Subject Files. Arranged chronologically by date. Files include correspondence, motor vehicle, maintenance, operations, service, and repair records, and other records related to the functions of the office.</p>	2 Years Destroy		
37	<p>Cut files at end of calendar year. Retain in office for 1 year. Destroy after 2 years.</p> <p>Motor Vehicle Maintenance and Operation Records. See DCGRS, Schedule 10.</p>			
38	<p>Background Reports. Arranged chronologically by date. Files include a ledger or worksheet, related records. Information on ledger or worksheet includes weapons, radio, and other vehicle inventories, inmate movement, work detail count sheets, court bus manifest, time and attendance, master roster, shift compliment, overtime justification, medical and escorted trips transport manifests, Inter-Institutional transfer sheets and other related transfer information.</p>	3 Years Destroy	1 Year	2 Years
39	<p>Cut files when ledger or worksheet is discontinued. Transfer to Records Center for 2 years. Destroy after 3 years.</p> <p>Human Resource Management Unit. This Unit provides for management/labor relations, drug testing, employee training, Equal Employment Opportunity (EEO), Employee Assistance Program, personnel recruitment, employee development and compensation monitoring.</p> <p>Personnel Records. See DCGRS, Schedule 1.</p>			
40	<p>Training Administration Unit. This Unit provides training for employee career and professional growth and development.</p> <p>Training Records. See DCGRS, Schedule 1, Item 25.</p>			

District of Columbia Government  
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 RECORDS RETENTION SCHEDULE 701-01

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
41	<p>Special Needs The Special Needs Program provides program development for sentenced inmates which include health care, employment skills development, release planning, resumption of family responsibility, and religious and volunteer services.</p> <p>Subject Files: Arranged alphabetically by subject. Files include volunteer applications, proposals to start programs, correspondence, and other related records.</p> <p>Cut files in 2-year interval. Retain in office for 1 year. Transfer to Records Center for 2 years. Destroy 5 years after files become inactive.</p>	5 Years	3 Years	2 Years
42	<p>Religious Complaints and Appeals Files: Arranged alphabetically by last name of inmate. Files include complaint forms, correspondence, inmate Grievance Procedure forms, transcript of hearing, final decision, and other related records.</p> <p>Cut files after final appeal. Retain in office for 1 year. Transfer to Records Center for 3 years. Destroy 4 years after final appeal.</p>	4 Years after final appeal	1 Year	3 Years
43	<p>Special Needs Program Files: Arranged alphabetically by subject. Files include Title I, Substance Abuse, Women Prisoners, Violence Reduction and Limited English Proficiency (LEP) Program records, attendance records, progress, demographic, and monthly reports, and other related records.</p> <p>Cut files after inmate completes program. Retain in office for 1 year. Transfer to Records Center for 3 years. Destroy 4 years after inmate completes program.</p> <p>Environmental Services: The Office of Environmental Services is responsible for the environmental control program of the Agency. It ensures compliance with ACA Standards and other applicable regulations and statutes.</p>	4 Years	1 Year	3 Years
44	<p>Environmental Services Program Files: Arranged chronologically by date. Files include Correspondence, memoranda, DCRA and court inspection records; institution/facility environmental inspection records; reports for all institutions/facilities and buildings; and other related records.</p> <p>Cut files at 3- year intervals. Retain in office 2 years. Transfer to Records Center for 3 years. Destroy 8 years.</p>	8 Years	5 Years	3 Years

**District of Columbia Government  
SCHEDULE ~AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
45	<p>Case Management Services The Office of Case Management Services provides oversight for Agency's inmate Classification/custody and inmate services program. Coordinates the inmate population designation and movement to federal, state and contract facilities as well as destination of Special Management inmates. Agency's liaison with the BOP for inmate transfers and preparation of D.C. Inmate parole packages for hearings before the U.S. Parole Commission. Provides classification review and signature authority for parole reports completed by contract and state facilities.</p> <p>Management Services Case Files. Arranged chronologically and thereunder alphabetically by date. Files include correspondence, memoranda, orders, lists, referrals, receipts, plans, reports, manuals, directives, records that document the organization, policies, procedures and major functions of the office, and other related records.</p> <p>Cut files after case is closed. Retain in office for 2 years. Transfer to Records Center for 5 years. Destroy 7 years after case is closed.</p> <p>Formerly Office Deputy Director for Institutions (the following Institutional operations fall under the management of the Deputy Director effective March 2001.)</p> <p>The Deputy Director for Institutions manages Institutional Wardens and oversees the day-to-day operation of all correctional facilities and closure of the Lorton reservation. Schedule applies to files at the DC Detention Facility, the Central Facility (and Modular Facility extension) and the privately operated Corrections Corporation of America Correctional Treatment Facility as well as the Lorton facilities that were closed under the DC Revitalization Act. They were Medium Security Facility, Minimum Security Facility, Youth Center and Maximum Security Facilities. As of December 31, 2001 only the DC Detention and the Correctional Treatment Facilities will remain open.</p> <p>Security Management. Institutional operations to include security and control, inmate management; tool, key and contraband control, and safety and correctional emergency response.</p>	7 Years after Case is closed	2 Years after case is closed	5 Years after case is closed
46	<p>Subject Files. Arranged chronologically and numerically. Includes correspondence reflecting policies and procedures, manuals, directive plans, reports.</p>	Destroy superseded or obsolete documents.		

**District of Columbia Government  
SCHEDULE ~ AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
47	<p><b>Investigative Reports, Reports and related papers regarding major and minor occurrence in Department Facilities.</b></p> <p><b>Extraordinary Occurrences</b></p> <p>Cut files December 31st. Retain in office 3 years. Transfer to Records Center for 4 years. Destroy when 7 years old.</p> <p><b>Significant Incidents</b></p> <p>Cut files December 31st. Retain in office for 2 years. Destroy when 2 years old.</p>	<p><b>7 years</b></p> <p><b>2 years</b></p>	<p><b>3 years</b></p> <p><b>2 years</b></p>	<p><b>4 years</b></p>
48	<p><b>Security Staffing Files.</b> Records of the development of Security Post staffing in an institution which include: post analysis charts, master roster, committee recommendation records and approved master roster; post change notices, and other policies relative to post assignments and strengths.</p> <p>Cut files December 31st. Retain in office for 2 years. Destroy when 2 years old or when authority changes whichever comes sooner.</p>	<p><b>Destroy after 2 years or when authority changes, whichever comes sooner.</b></p>	<p><b>2 years</b></p>	
49	<p><b>Roster Management Files.</b> Daily documents and record of the security operation during a 24 hours period. Documents include daily assignment roster, daily recapitulation sheet, overtime record, shift report, time and attendance sheet, and post/staff complement breakdown.</p>	<p><b>Destroy after 1 year</b></p>		
50	<p><b>Correctional Force Management Files.</b></p> <p>a. Control Center key or code records, emergency staff call back cards and radio log; patrol reports, Service reports or interruption and test reports; automatic surveillance charts and register of Patrol/alarm system.</p> <p>b. Arms distribution sheet, charge records and receipts.</p>	<p><b>Destroy after 1 year</b></p> <p><b>Destroy 3 months after return of arms</b></p>		

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51	Security Inspection Files. Documents pertaining to Institution Inspections.  a. Reports of perimeter fence lines, towers, perimeter posts, mobile posts, all shakedown, Arsenals and tool control.  b. Fires, explosions and accidents  Cut files December 31st. Destroy after 3 years.	Destroy after 1 year  Destroy after 3 years	3 years	
52	Logs and Registers. Consist of log books or registers that Arranged chronologically by dates. Information and entrance in log consists of sequential details of occurrences that relate to various security functions and services.  Cut Cut Log Books when filled. Retain in Office for 1 year. Transfer to records center for six years.	7 years	1 years	6 years
53	Inmate accountability Records  a. Individual inmate movement records  b. Inmate count documentation which identifies inmate population count during a 24 hour period.  c. Daily inmate census - depicts the daily institutional assignment of the inmate population by DCDC Number and housing status	Destroy 6 months after Inmate's release  Destroy after 6 months	1 year	

**District of Columbia Government  
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Item	Records Series Description	Retention		
		Total Retention	Maintain in Office	Total Retention
54	Adjustment and Housing Board Files. Arranged inmates last, first names and DCDC and is maintained at the Facility where the Adjustment Board Hearing is held. Includes documentation of hearings for behavior adjustment and housing matters while housed in the particular facility. The original disciplinary and housing board hearings are maintained in the inmate's official institutional record.  Cut off - When the inmate is transferred to another institution. Maintain for one year. DESTROY	Permanent until inmate's release		
55	Institutional Case Management. Provides inmate services such as housing and custody classification, counseling, referrals to rehabilitative programs and release preparation.			
	Institutional Case Management Files. Arranged alphabetical by inmate name, and chronological by Case number. Files include correspondence, Federal Referral Packages and documentation on inmates being considered for placement in a BOP facility-, Parole Progress Report documentation on inmates Application and Waiver Records; Social Security Card Application, Pre-Sentence Reports; Inmate Social Visitation; and other related records.  Cut files after decision by Bureau of Prison or United States Parole Commission. Retain in office 3 years. Transfer to Records Center for 5 years. [Ensure records copy included in Inmate Case File]. Destroy 8 years after final decision.	Permanent	3 Years	5 Years
56	Education Services Office Files. Arranged chronological by date. Files include Student Enrollment Application-, verification of an inmate's application for enrollment in a course of study.			
	Educational Good Time Credit - Records of the award of credits for completion of education programs; resulting in the reduction of eligible inmate's minimum and maximum sentence in accordance with DC Code Title §§ 24-24-428 through 24-434, DC Code §22-3202, §24-442 and §33-501.  Cut after 1 year after completion of program or upon inmate's release from program. Retain in office 4 years. Transfer to Records Center for 11 years. Review by Archives for final disposition.	15 Years Review by Archives for Final Disposition	4 Years	11 Years Review by Archives

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Item	Records Series Description	Total Retention	Maintain in Office	Total Retention
57	<p>Higher Education Program. This program provides contracted academic/vocational educational services through the University of the District of Columbia (UDC) to inmates who have obtained a high school diploma. The following degrees may be conferred: Associate Degree or Baccalaureate Degree in Urban Studies and/or Certificate of Completion of Apprenticeship Programs.</p> <p>Higher Education Program Files. Arranged alphabetical subject. Files include contractual records, information pertaining to grades-, verification of participation for awarding of Good Time Credit-, Higher Education Authorization Form-, Certification of Completion of Course.</p>	15 Years Review by Archives for Final Disposition	4 Years	11 Years Review by Archives
58	<p>Cut files 1 year after completion of program or upon inmate's release from program. Retain in office 3 years. Transfer to Records Center for 11 years. Review by Archives for final disposition.</p> <p>Institutional Inmate Records Office Files. Arranged chronological by date. Files include correspondence, log books, transfer records, forms, inmate movement sheets, and other related records.</p> <p>Cut file at 2-year intervals. Retain in Office for 1 year. Transfer to Records Center for 3 years. Destroy after 6 years.</p>	6 Years	3 Years	3 Years
59	<p>Psychological Services. Program responsible for the mental health assessment and evaluation of the inmate population. Provides psychological evaluation for appropriate housing and administration of inmates.</p> <p>Psychological Services and Evaluation Files. Arranged alphabetically. Files include Correspondence, forms, evaluations, reports, assessments, recommendations, and other related Records.</p>	7 Years after File is closed	2 years after file is closed	5 Years after file is closed
	<p>Cut files when closed. Retain in office for 2 years. Transfer to Records Center for 5 years. Destroy 7 Years after file is closed.</p>			

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**RECORDS RETENTION SCHEDULE 701-01**

Item	RECORDS SERIES DESCRIPTION	Total Retention	Maintain In Office	Retention In Records Office
60	<p style="text-align: center;"><b>Office of Records Management</b></p> <p>In accordance with DC Code § 1-2906, the DCDC Records Administrator shall carry out the records management program activities and serve as liaison to the DC Public Records Administrator. Responsibilities include issuing up-to-date records management policy and procedures, staff training, monitoring and auditing to ensure compliance with policy, laws and regulations pertaining to DC records.</p> <p>In addition, the DCDC Records Administrator is responsible for the day-to-day operation of the Inmate Records Office located at the DC Detention Facility. The DCDF Records Office is the point of entry when inmates are committed into custody of the US Attorney General and the Director for the DCDC as the Attorney General's agent. The official inmate record is initiated at this facility and it transported along with the inmate to each DCDC or contract facility where the inmate is housed. Upon the inmate's release, their institution record is returned to the DCDF that acts as a repository until the records is retired to the WNRC. The DCDF Records Office maintains the official inmate records for inmates housed at the DCDF.</p> <p>A typical inmate record may include all or some of the following: 1) judgments and commitments; 2) probation orders; 3) prisoner fingerprint cards and prisoner property sheets; 4) court orders and writs; 5) parole warrants, charge sheets, and other parole materials; 6) delainers, sentencing data, and inter-departmental; 7) sentence computation sheets (face sheet); 8) separation orders (inter-agency injury, and work reports; 11) inmate ID photograph; 12) social and psychological information about the inmate and his or her personal and criminal background; and 13) inter-departmental correspondence.</p> <p><b>RESTRICTIONS:</b> Access to files relating to living inmates requires the written permission of the Chief Records Officer or his or her designee.</p> <p>a. Inmate Records relating to especially famous, infamous, notorious, unusual, or highly publicized inmates:</p> <p><b>RETENTION: Permanent. Offer to D.C. Archives.</b></p>	Retention	Office	Retention In Records Office
		Permanent		

**District of Columbia Government  
SCHEDULE AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	RECORDS SERIES DESCRIPTION	Total Retention	Maintain In Office	Retention In Records Office
61	<p align="center"><b>COMMUNITY CORRECTIONAL CENTERS</b></p> <p>The Community Release Programs provide alternative to incarceration for court ordered misdemeanants, pre-trial detainees and inmates paroled to supervision. This program has administrative responsibility for the daily operation of CCC #4, and monitors services provided by all contract facilities. CCC facilities provide counseling, substance abuse services, employment assistance, personal finance training, and housing assistance.</p> <p><b>Subject Files.</b> Arranged alphabetically by subject. Files include correspondence-, reports and plans-, Escape/Apprehension Report; Review Hearing Reports, Judge Violation letter; billings for contract facilities, Inter-Institutional Transfers-, Census Report; Fact Finding/Investigative Reports-, Halfway House Violation Reports-, policies and procedures; Inmate CCC folders, and other related records.</p> <p>Cut files at 3-year intervals. Retain in office 1 year. Transfer to Records Center for 3 years. Destroy after 7 years.</p> <p align="center"><b>Management Information System</b></p> <p>The Management Information maintains the automated information, telecommunications, and other operating systems. It provides computer maintenance services, and monitors the Agency's operating network ring systems.</p>	10 years	90 days after expiration of sentence/parole term.	9 Years and 8 Months
	<p>b. Inmate who dies while incarcerated.</p> <p><b>RETENTION:</b> Transfer to the WNRC within 90 days after the investigation is completed and the file is closed. Destroy 5 years after transfer to the Records Center.</p> <p>c. All other inmate records.</p>			
	<p><b>RETENTION:</b> Retain in office 90 days after expiration of sentence and parole term or other supervision, whichever is sooner. Store in Records Center 9 years, 8 months. Destroy.</p>			

**District of Columbia Government  
SCHEDULE AMENDMENT  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Total Retention
62	<p><b>Office Program Files.</b> Arranged chronological date. Files include correspondence, forms, meeting schedules, monthly reports, office goals/plans, administrative records, policies and procedures, surveys, reports, briefings, and other related records.</p> <p>Cut files at 2-intervals. Retain in office 1 year. Transfer to WNRC for 3 years. Destroy after 6 years. assessment evaluations for the Inmate health care delivery system for the Agency.</p>	6 Years	3 Years	3 Years
63	<p><b>Subject Files.</b> Arranged alphabetical by subject. Files include correspondence memoranda, plans, reports, manuals, directives, minutes of meetings, speeches and records that document the organization, policies, procedures and major function of the office.</p> <p>Cut at end of calendar year. Retain in office 3 years. Destroy when 4 years old.</p>	Destroy after 4 Years	3 Years	
64	<p><b>Inmate Medical Records.</b> Arranged chronological by the Inmate's DCDC number. Inmate medical and clinical services provided to inmates within the correctional facility medical infirmaries. Files is divided into six sections that contain: Problem Lists, Progress Notes, Consultation Reports, Infirmery and Hospital Trip Tickets, Intake Examination Reports, Doctor's Orders, Lab and Diagnostic Reports, Radiographic Reports, Dental documentation and dental x-rays and psychiatric and mental health documentation.</p> <p>The Inmate's DCDC number is used as the medical file number. The first three digits shall be in black marker and the last three (3) numbers shall be color-coded tabs. Retain in office space for duration of Inmate's incarceration.</p> <p>Cut file 1 year after date of last treatment. Retain in Office for 2 years. Transfer to Records Center for 7 years after date of the last treatment.</p>	10 Years after date of last Treatment	3 Years	7 Years after date of last Treatment
65	<p><b>Medical Logs and Tracking – Medical, Dental, Pharmacy, Lab and Mental Health Care Logs.</b> Log content includes sick call, urgent care, specialty, routine and hospital appointments, no Show/refusal documentation, chronic care treatment sign-in.</p> <p>Cut files after last entry in logs. Retain in Office 2 years. Destroy 2 years after last entry.</p>	Destroy 2 Years after last Entry	2 Years	

District of Columbia Government  
**SCHEDULE AMENDMENT Page 16 of 16**  
**RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
66	<p>Medical Equipment Monitoring - These records consist of materials requisition from the warehouse, inventory, equipment inspections and monitoring.</p> <p>Cut files at end of calendar year. Retain in office 1 year. Destroy after 2 years.</p> <p>Department of Corrections and other government agencies. This program provides inmates with the opportunity for on-the-job training and additional vocational training through employment to complete requested jobs, i.e. printing, making license plates, furniture refurbishing-, tailoring/garment making-, farm and landscaping-, and laundering.</p>	Destroy after 2 Years		
67	<p>Subject Files. Arranged alphabetical by subject. Files include correspondence, Memoranda, reports, plans, manuals, records that document the program, policies, procedures; financial statements; legislative proposals; Lorton phase out and major functions of the office.</p> <p>Cut files at end of calendar year. Retain in office 3 years. Destroy after 4 years.</p>	4 Years	3 Years	
68	<p><u>Security Management</u>. Subject Files. Arranged chronologically and numerically. Includes correspondence reflecting policies and procedures, manuals, directive plans, reports.</p> <p>Investigative Reports. Reports and related papers regarding major and minor occurrence in Department Facilities.</p> <p>a. Extraordinary Occurrences</p>	Destroy superseded or obsolete documents.		
69	<p>Cut files December 31st. Retain in office 3 years. Transfer to Records Center for 4 years. Destroy when 7 years old.</p> <p>b. Significant Incidents</p> <p>Cut files December 31st. Retain in office for 2 years. Destroy when 2 years old.</p>	7 years	3 years	4 years

**District of Columbia Government  
SCHEDULE AMENDMENT Page 16 of 16  
RECORDS RETENTION SCHEDULE 701-01**

Item	Records Series Description	Total Retention	Maintain in Office	Retention in Records Center
70	<p><b>Correctional Force Assignment Files.</b> Records of the development of Security Post staffing in an institution which include: post analysis charts, master roster, committee recommendation records and approved master roster; post change notices, and other policies relative to post assignments and strengths.</p> <p>Cut files December 31st. Retain in office for 2 years. Destroy when 2 years old or when authority changes whichever comes sooner.</p>	<p>Destroy after 2 years or when authority changes, whichever comes sooner.</p>	<p>2 years</p>	
71	<p><b>Roster Management Files.</b> Daily documents and record of the security operation during a 24 hours period. Documents include daily assignment roster, daily recapitulation sheet, overtime record, shift report, time and attendance sheet, and post/staff complement breakdown.</p>	<p>Destroy after 1 year</p>		
72	<p><b>Correctional Force Control Files.</b> Control Center key or code records, emergency staff call back cards and radio log; patrol reports, Service reports or interruption and test reports; automatic surveillance charts and register of Patrol/alarm system.</p> <p>Arms distribution sheet, charge records and receipts.</p>	<p>Destroy after 1 year</p>		
73	<p><b>Security Inspection Files.</b> Documents pertaining to Institution Inspections.</p> <p>a. Reports of perimeter fence lines, towers, perimeter posts, mobile posts, all shakedowns, arsenals and tool control.</p> <p>b. Fires, explosions and accidents</p> <p>Cut files December 31st. Destroy after 3 years.</p>	<p>Destroy after 1 year</p> <p>Destroy after 3 months after return of arms</p> <p>Destroy after 3 years</p>	<p>3 years</p>	

74	<p><b>Logs and Registers.</b> Consist of log books or registers that document sequential details of occurrences that relate to various security functions and services.</p> <p>a. Post Log Book</p> <p>No Cut Off – Ongoing. Retain in office 3 years after last entry in the Log Book. Transfer to Records Center for 4 years. Destroy when 7 years old.</p> <p>b. Log Books or registers of Inmate services (i.e. mail, property, recreation, etc.)</p> <p>c. Log Books or register of issued security equipment (armory)</p> <p>On going. Retain in office 2 years after last entry in the Log Book, then destroy.</p> <p><b>Accountability of Inmates.</b> Record account of the Inmate population, location and control.</p> <p>a. Individual Inmate movement card records</p> <p>b. Inmate count documentation which identifies inmate population count during a 24 hour period.</p> <p>c. Daily Inmate census -- depicts the daily institutional assignment of the Inmate population by DCDC Number and housing status</p>	7 years	Retain for 3 years after the last entry in the Log Book 2 years	4 years
74	<p><b>Adjustment and Housing Board Files.</b> Arranged numerically by DCDC number at Facility Adjustment Board. Includes documentation of hearings for behavior adjustment and housing matters while housed in the particular facility. The original disciplinary and housing board hearings are maintained in the Inmate's official institutional record.</p> <p>Cut off – None. Maintain until inmate is transferred to another institution. Can only be rescinded by Warden or CCC Administrator.</p>	Destroy 2 years after last entry	Destroy 6 months after Inmate's release	Permanent until Inmate's release
75	<p>Daily Inmate census -- depicts the daily institutional assignment of the Inmate population by DCDC Number and housing status</p> <p>Destroy after 6 months</p> <p>1 year</p>	Permanent until Inmate's release		

76	<p style="text-align: center;"><b>CORRECTIONAL INDUSTRIAL SERVICES</b></p> <p>The Correctional Industrial Services program provides industrial services to D.C. Department of Corrections and other government agencies. This program provides inmates with the opportunity for on-the-job training and additional vocational training through employment to complete requested jobs, i.e. printing, making license plates, furniture refurbishing, tailoring/garment making, farm and landscaping, and laundery.</p> <p><b>Subject Files.</b> Arranged alphabetical by subject. Files include correspondence, memoranda, reports, plans, manuals, records that document the program, policies, procedures, financial statements; legislative proposals; Lorton phase out and major function of the office.</p> <p>Cut files at end of calendar year. Retain in office 3 years. Destroy after 4 years.</p>	4 Years	3 Years	
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**DISTRICT OF COLUMBIA  
GENERAL RECORDS SCHEDULE 1**

**PERSONNEL RECORDS**

Agency personnel records relate to the supervision over and management of District employees. This schedule covers the disposition of all official personnel folders of District employees and all other records relating to personnel, wherever located in the agency.

The most important types of records, the Official Personnel Folders and Service Record Cards, are maintained according to District Personnel Manual Chapter 31, which prescribes a system of record keeping for District personnel offices.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the D. C. Records Disposition Committee on June 17, 1987. It replaces D.C. Schedule 40, Section 1.

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
23	<b>Standards of Conduct Files</b>  Correspondence, memoranda, and other records relating to codes of ethics and standards of conduct.	Destroy when obsolete or superseded.
24	<b>Labor Management Relations Records.</b>  a. Labor Management Relations General and Case files, excluding records of the EOM/Office of Labor Liaison. [Office of Labor Liaison records are covered by DCSH8503]  Correspondence, memoranda, reports and other records relating to the relationship between management and employee unions or other groups.  (1) Office negotiating agreement  (2) Other offices	Destroy when 5 years old.  Destroy when superseded or obsolete.
	b. Labor Arbitration General and Case	

***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 1***

**Files.**

Correspondence, forms and background papers relating to labor arbitration cases. Destroy 5 years after final resolution of case.

**25. Training Records.**

**a. Training Aids.**

(1) One copy of each manual, syllabus, textbook, and other training aid developed by the agency. Submit request for disposition authority to D.C. Archives.

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(2) Training aids from other agencies or Private institutions. Destroy when obsolete or superseded.

**b. General File of Agency Training.**

(1) Correspondence, memoranda, agreements, authorizations, reports, requirement reviews, plans, and objectives relating to the establishment and operation of training, courses and conferences. (Included are Training Forms 10A, 11, 11A, 11B, 11C; and DCSF 1207-A.) Destroy when 5 years old or 5 years after completion of a specific training program.

(2) Background and work papers. Destroy when 3 years old.

## DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2

### Payrolling and Pay Administration Records

Payrolling and pay administration records pertain to disbursements to employees of the District government for personal services. This schedule applies to the pay records that are common to all agencies, but it excludes (a) individual retirement record cards (Standard Form 2806 or equivalent) that are maintained during employee duty; (b) files maintained in agency space for audit by the General Accounting Office under section 117(b) of the Budget and Accounting Procedures Act of 1950; and (c) records relating to tax withholding, savings bonds, or fidelity bonds, or other records held by the appropriate units of the U.S. Treasury Department responsible for the related Government-wide programs.

Documents required by the Comptroller General to be maintained for site audit are segments of accountable officer's accounts. In no event may disposal be made of records pertaining to accounts, claims or demands involving the Government of the United States which have not been settled or adjusted by the General Accounting Office unless the agency concerned has written approval of the Comptroller General, as required by 82 Stat. 1301 (4-4 U.S.C. 3309). Most pay accounts are prepared and maintained in accordance with Title 6—Pay, Leave, and Allowances and incorporated in the GAO Manual for Guidance of Federal agencies.

In the payrolling process different types of records are accumulated. Under Title 6 of the GAO Manual these records are normally site-audited on a sample basis by GAO representatives who examine primarily the earnings record card, payroll change slips that are prepared to document changes in normal pay, certification sheets containing the signatures of the certifying officer, checklists prepared in lieu of the more formal payrolls by Department of the Treasury or local disbursing personnel, source personnel documents such as basic time and attendance reports, and copies of personnel action forms documenting changes in pay. In addition, pay registers and other accounting devices are maintained to check and balance the accounts.

All payroll systems require the maintenance of a leave card, to which information is posted from more detailed records kept by time and attendance clerks located throughout an agency. Two basic forms or variations of them are used by agencies: (a) leave record (Optional Form 1137) which shows leave taken by an employee over a two-year period; and (b) time and attendance report (Optional Form 1130) which is a combination time and attendance and leave record designated to be maintained in agencies in which the time-keeping function is decentralized.

One time and attendance report (Optional Form 1130) is maintained for each employee each pay period, and the current leave status figure is accumulated from pay period to pay period.

## DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2

Other records incidental to the payrolling process are: (a) withholding tax and savings bond records; (b) reports made to the Treasury Department units and the Office of Personnel Management on income tax and retirement transactions for persons employed prior to October 1, 1987, and (c) other records not pertaining to individuals, but rather to the general administration of the payrolling office and the payrolling function.

In many cases the records will be in electronic form, as the payrolling process has been converted to electronic data processing throughout the District government. With the exception of records created in central processing facilities described under item 17, all records described in this schedule are authorized for disposal in both hard copy and electronic forms, as provided in Schedule 40, Section 28, Machine-Readable Records, and DCGRS 23, Records Common to Most Offices.

Records created prior to January 1, 1921 must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the D.C. Records Disposition Committee on February 15, 1989. It replaces D.C. Schedule 40, Section 2.

### 1. Individual Accounts Files.

Individual earning and service cards, such as Optional Form 1127 or equivalent. Transfer to the Records Center.

- a. For individuals employed prior to 10/01/87. (1) If filed in official personnel folder (OPF) or in individual pay folder adjacent to the OPF, destroy with OPF. (See DCGRS 1, Item 1,2) (2) If not in or adjacent to the OPF, destroy 56 years after the date of the last entry on the card.

- b. For individuals employed for the first Time after 9/30/87 who will not be covered under the Civil Service Retirement System. Transfer to the Records Center: (1) if filed in Official Personnel Folder (OPF) or in individual pay folder adjacent to the OPF, destroy with OPF. (See DCGRS 1, Item 1,2). (2) If not filed in or filed adjacent to the OPF, destroy 56 years after the date of the last entry on the card.

### 2. Payroll Correspondence Files.

General correspondence files maintained by payroll units pertaining to payroll preparation and processing. Destroy when 2 years old.

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2**

**3. Time and Attendance Reports Files.**

**a. Optional Form 1130 or equivalent.**

(1) Payroll preparation and Processing copies.

Destroy after audit or when 3 years old, whichever is sooner.

(2) All other copies.

Destroy 6 months after the end of the pay period.

**b. Flexitime Attendance Records.**

Supplemental time and attendance Records, such as sign-in/sign-out sheets and work reports used for time accounting under flexitime systems.

Destroy after audit or when 3 years old, whichever is sooner.

**4. Individual Authorized Allotments Files.**

**a. U.S. Savings Bond Authorization, Standard Form 1192 or equivalent, and authorization for individual allotment to the D.C. One Fund Campaign.**

(1) If record is maintained on earning record card.

Destroy when superseded or after separation of employee. If employee transfers within an agency or between agencies, these authorizations must also be transferred. See Treasury Fiscal Requirements Manual, para. 6030.10 for instructions regarding savings bonds authorizations, and Federal Personnel Manual (FPM) Chapter 550, Subchapter 3, Part 8, for instructions regarding allotment authorizations.

(2) If record is not maintained elsewhere.

Destroy 3 years after superseded or 3 years after separation of employee. See (1) above for transfer instructions.

**5. Bond Registration Files.**

Issuing agent's copies of bond registration stubs.

Destroy when 2 years old.

**6. Bond Receipt and Transmittal Files.**

## **DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2**

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|---|--|
| Receipts for and transmittal of U.S. Savings Bonds and checks.  | Destroy 3 months after date of receipt.  |
| <b>7. Bond Purchase Files.</b>  |  |
| Forms and reports with related documents pertaining to deposits and purchase of bonds.  | Destroy when 3 years old.  |
| <b>8. Leave Application Files.</b>  |  |
| Application for Leave, SF 71, or equivalent, and supporting documents relating to requests for and approval of taking leave.                    | Destroy after audit or when 3 years old, whichever is sooner.                              |
| <b>9. Leave Record Cards.</b>   |  |
| Leave record cards such as OF 1137 or equivalent, maintained separately from pay and earnings records, and OF 1130 when used as a leave record. |  |
| a. Pay or fiscal copies.  | Destroy when 3 years old.  |
| b. Other copies.  | Destroy 3 months after the end of the period covered.                                      |
| <b>10. Leave Data Files.</b>  |  |
| Records of leave data, such as SF 1150, prepared except as noted in the FPM, 293-A-3.   |  |
| a. Original copy of SF 1150.  | File on right side of OPF. See DCGRS 1, Item 1,2.  |
| b. Agency copy.   | Destroy when 3 years old.  |
| <b>11. Notification of Personnel Action.</b>  |  |
| Pay or fiscal copy of SF 50 or equivalent, not filed in the Official Personnel Folder.  | Destroy after related pay records are audited by or when 3 years old, whichever is sooner. |
| <b>12. Budget Authorization Reference Files.</b>  |  |
| Copies of budget authorizations in operating payroll units used to control  | Destroy when superseded.   |

## DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2

personnel ceilings and personnel actions.

### 13. Payroll Files.

Memorandum copies of payrolls, check lists and related certification sheets, such as SF 1013A, SF 1128A, or equivalents.

a. Security copies of documents prepared or used for disbursement by disbursing offices, with related papers.

Destroy when Records Center receives second subsequent payroll or checklist covering the same payroll unit.

b. All other copies.

(1) If earning record card is maintained.

Destroy after audit or when 3 years old, whichever is sooner.

(2) If earning record card is not Maintained

Transfer to Records Center when 3 years old. Destroy when 10 years old.

### 14. Payroll Control Files.

Payroll control registers.

Destroy after audit or when 3 years old, whichever is sooner.

### 15. Payroll Change Files.

Payroll change slips, exclusive of those of the OPF, such as SF 1126.

a. Copy used in audit.

Destroy when related pay records are audited by or when 3 years old, whichever is sooner.

b. Disbursing officer copy used in Preparing checks.

Destroy after preparation of checks.

c. All other copies.

Destroy 1 month after the end of the pay period.

### 16. Fiscal Schedules Files.

Memorandum copies of fiscal schedules used in the payroll process.

a. Copy used in audit.

Destroy after audits or when 3 years old, whichever is sooner.

b. All other copies.

Destroy 1 month after the end of the pay

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2**

period.

**17. Administrative Payroll Report Files.**

Reports, statistics, with supporting and related records pertaining to payroll operations and pay administration.

a. Reports and data used for workload and personnel management purposes.

Destroy when 2 years old.

b. All other reports and data

Destroy when 3 years old.

**18. Tax Files.**

a. Withholding tax exemption certificates, such as IRS Form W-4, and similar tax exemption forms.

Destroy 4 years after form is superseded or obsolete.

b. Returns on income taxes withheld  
Such as IRS Form W-2.

Destroy when 4 years old.

c. Reports of withheld taxes, such as IRS Form W-3, with related papers, including reports relating to income and social security taxes.

Destroy when 4 years old.

**19. Retirement Files.**

a. Reports and registers.

Reports, registers, or other control documents, and other records relating to retirement, such as SF 2897 or equivalent.

Destroy when 3 years old.

b. Assistance files.

Correspondence, memoranda, annuity estimates, and other records used to assist retiring employees or survivors claim insurance or retirement benefits.

Destroy when 1 year old.

**20. Insurance Deduction Files.**

Reports and related papers including copies of vouchers and schedules of payments pertaining to insurance deductions.

Destroy when 3 years old.

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 2**

**21. Levy and Garnishment Files.**

Official Notice of Levy or Garnishment (IRS Form 668A or equivalent), change slip, work papers, correspondence, release and other forms, and other records relating to charges against retirement funds or attachment of salary for payment of back income taxes or other debts of District employees

Destroy when 3 years old.

**22. Wage Survey Files.**

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Wage survey reports and data, background documents and correspondence pertaining to area wages paid for each employee class; background papers establishing need, authorization, direction, and analysis of wage surveys; development and implementation of wage schedules; and request for and authorization of specific rates (excluding authorized and wage schedules and wage survey recapitulation sheets).

Destroy after completion of second survey succeeding wage survey.

## DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3

### Procurement, Supply, and Grant Records

This schedule covers the most frequently found agency records relating to procurement, supply, and grant programs. Since many District agencies conduct grant programs which document projects contracted between the agency and an outside party, grant records are included as an adjunct to procurement and supply records. This schedule also covers bid records, inventory records, telephone toll records, and contractors' payroll records.

~~D.C. government agency procurement and supply records document the acquisition of goods and nonpersonal services, controlling the volume of stock on hand, reporting procurement needs, and related supply matters which are part of daily procurement operations. The basic procurement files reflect a considerable range of procedure, from simple small purchases to complicated prime contractor and subcontractor operations.~~

Frequently copies of procurement papers become integral parts of other files in the agency, such as project files of various types or general subject files pertaining to program operations. Such copies are not covered by this schedule because they cannot be considered and evaluated separately from the files for which they are a part.

The General Accounting Office no longer requires agencies to maintain a separate file of contracts for site audit. The agency contract files maintained in the contracting officer's office are accessible to GAO auditors and have generally been used in the past.

In no event may disposal be made of records pertaining to accounts, claims or demands involving the U.S. government which have not yet been settled or adjusted by the General Accounting Office without written approval of the Comptroller General, as required by 44 U.S.C. 3309.

Records documenting procurement and supply in agencies are largely standardized by various regulations, but the physical arrangement of the transaction files themselves differs in the various agencies. In all agencies the official contract files, for example, contain a minimum core of specified documents, but there are also other documents that vary in accordance with what the individual agency deems to be best for its own operating purposes.

The key procurement file is the transaction case file containing the formal contract or informal purchase order or lease agreements and all related papers. The documents flowing into the transaction file differ in detail, but they include, in addition to the purchase documents, specifications, bids, schedules of delivery, initiating requisitions, invoices, and correspondence. Other copies of these documents, made for expediting

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3**

and other administrative purposes, are scattered throughout the inspection, shipping, expediting, and other units of the agency procurement organization.

Other files related to the procurement and supply function include reports used for supply management purposes by the agency creating the records as well as the staff agency involved with government-wide programs, local requisition, stock inventory files, and other minor supply papers.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the ~~disposition instructions set forth in this schedule.~~

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
1.	<b>Procurement Records (Unique).</b>  Procurement files documenting the initiation and development of transactions that deviate from established precedents with respect to general agency procurement programs, other than those covered by Item 13 (below).	Submit request for disposition authority to D.FC Archives.
2.	<b>Real Property Records.</b>  Title papers documenting the acquisition of real property (by purchase, condemnation, donation, exchange, or otherwise).	
a.	Papers for property acquired prior to January 1, 1921.	Submit request for disposition authority to D.C. Archives.
b.	Papers for property acquired since January 1, 1921, other than abstract or certificate of title.	Destroy 10 years after unconditional sale or release by the D.C. government of conditions, restrictions, mortgages, or other liens.
c.	Abstract or certificate of title.	Transfer to purchaser after unconditional sale or release by the D.C. government of conditions, restrictions, mortgages, or other liens.

***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3***

**3. General Correspondence Files.**

Correspondence files of operating procurement units concerning internal operation and administration matters not covered elsewhere in the DCGRS.

Destroy when 2 years old.

**4. Routine Procurement Records.**

Contract, requisition, purchase order, release, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment (other than those covered in Items 1, 2, 13, and 15).

**a. Procurement or purchase organization copy and related papers.**

1) Transactions of more than \$10,000 and all construction contracts exceeding \$2,000.

Destroy 6 years and 3 months after final payment.

2) Transactions of \$10,000 or less and construction contracts under \$2,000.

Destroy 3 years after final payment. (Close file at the end of the fiscal year, retain three years and destroy, except that files on which actions are pending shall be brought forward to the next fiscal year's files for destruction therewith).

**b. Obligation copy.**

Destroy when funds are obligated.

**c. Other copies of records described above used by component elements of a procurement office for administrative purposes.**

Destroy upon termination or completion.

**5. Supply Management File.**

Files of reports on supply requirements and procurement matters submitted for supply management purposes (other than those incorporated in case files or other

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3**

files of a general nature).

- a. Copies received from other units for internal purposes or for transmission to staff agencies. Destroy when 2 years old.
- b. Copies in other reporting units, and related work papers. Destroy when 1 year old.

**6. Solicited and Unsolicited Bids and Proposals Files.**

- a. Successful bids and proposals.
- b. Solicited and unsolicited unsuccessful bids and proposals. Destroy with related contract case files (see Item 4 of this schedule).
  - 1) When filed separately from contract case files. Destroy when related contract is completed.
  - 2) When filed with contract files. Destroy with related contract case files (see Item 4 of this schedule)
- c. Cancelled solicitation files. Destroy 5 years after date of cancellation.
  - 1) Formal solicitations of offer to provide products or services (e.g., Invitations for Bids, Requests for Quotations) which were cancelled prior award of the contract. The files include pre-solicitation documentation on the requirement, any offers which were opened prior to the cancellation, documentation on any government action up to the time of cancellation, and evidence of the cancellation.
  - 2) Unopened bids. Return to bidder.
- d. Lists or card files of acceptable bidders. Destroy when superseded or obsolete.

**7. Public Printer Record.**

Records relating to requisitions on the

***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3***

Printer, and all supporting papers.

- a. Printing procurement unit copy of requisition, invoice, specifications and related papers. Destroy 3 years after completion or cancellation of requisition.
- b. Accounting copy requisition. Destroy 3 years after period covered by related account.

**8. Non-personal Requisition File Records.**

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Requisition for non-personal services, such as duplicating, laundry, binding, and other services (excluding records associated with accountable officers' accounts. See DCGRS 6). Destroy when 1 year old.

**9. Inventory Requisition File Records.**

Requisition for supplies and equipment for current inventory.

- a. Stockroom copy. Destroy 2 years after the completion or cancellation of requisition.
- b. All other copies. Destroy when 6 months old.

**10. Inventory Files.**

- a. Inventory lists. Destroy 2 years from date of list
- b. Inventory cards Destroy 2 years after discontinuance of item, or 2 years after stock balance is transferred to new card or recorded under a new classification, or 2 years after equipment is removed from agency control.
- c. Report of survey files and other papers used as evidence for adjustment of inventory records, not otherwise covered in the DCGRS. Destroy 2 years after date of survey action or date of posting of posting medium.

**11. Telephone Records.**

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3**

Telephone statements and toll slips.

Destroy 3 years after period covered by related account.

**12. Contractor's Payroll Files.**

Contractor's payrolls (construction contracts) submitted in accordance with Labor Dept. regulations, with related certifications, anti-kickback affidavits, and other related papers.

Destroy 3 years after date of completion of contract unless contract performance is subject of enforcement action on such date.

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**13. Tax Exemption Files.**

Tax exemption certificates and related papers.

Destroy 3 years after period covered by related account.

**14. Grant Application File Records.**

Applications, memorandums, correspondence and other records relating to the decision to accept or reject grant applications.

a. Rejected applications.

Destroy 5 years after rejection.

b. Accepted applications

See Item 15 of this schedule.

**15. Grant Case File Record.**

Proposals or applications, contracts project reports, studies, certificates, agreements, memoranda, correspondence, and other records relating to receipt, review award, evaluations, status and monitoring of grants; allocation of funds, and project budgets.

Submit request for disposition authority to D.C Archives.

**16. Grant Control File Records.**

Indexes, registers, logs or other records relating to control of assigning numbers or identifying projects, applications and grants.

Destroy when superseded or obsolete.

***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 3***

**17. Grant Correspondence and Subject Records.**

- a. Correspondence and/or subject files including memorandums, studies, reports, forms and other records relating to the legal establishment of the grant program, its policies and basic procedures and the management and evaluation of grants. Submit request for disposition authority to D.C Archives.

- b. Correspondence and/or subject files relating to routine operations and daily activities in administration of the grant program. Destroy when 2 years old.

**18. Final Product File Records.**

- Published reports, books, studies, audiovisual materials, or any other final grant product and related records in textual or machine-readable form. Submit request for disposition authority to D.C. Archives.

**DISTRICT OF COLUMBIA  
GENERAL RECORDS SCHEDULE 4**

**Property Disposal Records**

These records pertain to the sales by agencies of real and personal property surplus to the needs of the government. In no event may records be destroyed that pertain to accounts, claims, or demands which have not been settled or adjusted.

Three forms are prescribed for use by any agency selling surplus personal property:

- a. Standard Form 114 Sale of Government Property, Invitation, Bid, and Acceptance. Related papers that are maintained by the agencies, usually in case fashion, consist of correspondence, bids, and other notices of sale, invoices and sales slips.
- b. Standard Form 120 Report of Excess Personal Property.
- c. Standard Form 121 Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
1.	Surplus Property Precedential Case Files  Case files on sales of surplus personal property (as described in Item 6 below) documenting the initiation and development of transactions that deviate from established precedents with respect to general agency disposal or to major disposal programs.	Submit request for disposition authority to D.C. Archives.
2.	Property Disposal Case Files  Case files on disposal of surplus real and related personal property.	Submit request for disposition authority to D.C. Archives.
3.	Excess Real Property Reports.	Submit request for disposition

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 4**

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
		authority to D.C. Archives.
4.	<b>Property Disposal Correspondence Files.</b>	
	Correspondence files maintained by units responsible for property disposal, pertaining to their operation and administration, and not otherwise provided for.	Destroy when 2 years old.
5.	<b>Excess Personal Property Reports.</b>	Destroy when 3 years old.
6.	<b>Surplus Property Case Files.</b>	
	Case files on sales of surplus personal property, comprising invitations, bids, acceptances, lists of materials, evidence of sales, and related correspondence (other than those covered in Items 1 and 2).	
	a. Transactions of more than \$10,000.	Destroy 6 years after final payment.
	b. Transactions of less than \$10,000.	Destroy 3 years after final payment.
7.	<b>Real Property Files.</b>	
	Consists of records necessary or convenient for the use of real property sold, donated, or traded to non-federal or non-District ownership, including, if pertinent as determined by the releasing agency, duplicate copies of site maps and surveys, plot plans, architect's sketches, working diagrams, preliminary drawings, blueprints, master tracings, utility outlet plans, equipment location plans, specifications, construction progress photographs, inspection reports, building and equipment management	<del>Transfer to new custodian upon completion of sale, trade, or donation proceedings, or acceptance of purchase money mortgage.</del>

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 4**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
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	<p>and maintenance records, allowance lists, and title papers provided (a) that the records can be segregated without harm to other documents of enduring value, (b) that no responsibility attaches to the District government because of disagreement between the transferred documents and the physical condition of the property at the time of conveyance. See also DCGRS 22, Architectural, Design, and Engineering Drawings and Related Records.</p>	
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## **DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 6**

### **Accountable Officers' Account Records**

This general schedule covers accountable officers' returns and related records, including records under the cognizance of the General Accounting Office (GAO) or the D.C. Office of Financial Management.

Accountable officers' accounts include record copies of all records concerned with the accounting for, availability, and status of public funds. There are several types of accountable officers, such as:

- (a) the collecting officer, who receives monies owed to the District government and ensures that it is credited to the proper account;
- (b) the disbursing officer, who is responsible for providing documentation to the Office of Financial Management since he accomplishes the actual payment of public monies to proper creditors; and
- (c) the certifying officer, whose signature on a summary attests to the authenticity of vouchers listed on the schedule.

Disbursements for most government agencies are made by the Office of Financial Management and the D.C. Controller. Since July 1949, disbursements have been made for most agencies on the basis of certified schedules, with the detailed vouchers transferred to the General Accounting Office from the agency or held in agency space if site audit was involved. This procedure was extended and confirmed by General Accounting Office General Regulations No. 115, issued January 29, 1952, which promulgated a standard form voucher and schedule of payments (Standard Form 1166 and 1167) for use by all agencies effective July 1, 1952, and formally eliminated the transfer of vouchers of the Chief Disbursing Officer.

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~~This schedule includes records held for on-site audit by the Office of Financial Management or the General Accounting Office, as described in Item I(a) below. Under on-site audit, vouchers, contracts, schedules, statements of transactions and accountability and other related supporting documents are retained in agency space for the auditors. Section 117(b) of the Budget and Accounting Procedures Act of 1950 (whenever the Comptroller General determines that audit shall be conducted at the site), requires agencies to retain these records, which are under GAO cognizance. The General Accounting Office has given general authority to the agencies, if the records are no longer required for administrative purposes, to transfer all audited records and any unaudited records more than one (1) year old to the Federal Records Center (FRQ, Suitland, Maryland. However, to transfer unaudited accountable officers' accounts less than one (1) year old, permission must be obtained from the Director, Office of Administrative Services, GAO. Because the records heretofore transferred to GAO are~~

## *DISTRICT OF COLUMBIAGENERAL RECORDS SCHEDULE 6*

retained in the agency, some agencies have eliminated the creation of memorandum copies as described in Item I of this schedule. Records relating to the availability, collection, and custody of funds include:

- (1) the appropriation warrants;
- (2) other documents which deposit funds into the Treasury; and
- (3) documents which provide accountable officers with status reports on funds in their custody, such as the proofs of depository account and statements of funds to their credit.

Agency copies of these deposit and status documents are so intimately related to the accounts of these officers that they are included in this schedule. The copies received by the Office of Financial Management are not covered by this schedule and are provided for in separate schedules.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

### **1. Accountable Officers' Files.**

- a. Original or ribbon copy of accountable officers' accounts maintained in the agency for sit audit by GAO or Office of Financial Management auditors, consisting of statements of transactions, statements of accountability, collection schedules, collection vouchers, disbursement vouchers or documents used as schedules or vouchers, exclusive of freight records and payroll records. If an agency is operating under an integrated accounting system approved by AO or D.C. OFM, certain required documents supporting vouchers and/or schedules are included in the site audit records. These records document only the basic financial transaction, money received and money paid out or deposited, in the course of operations of the agency. All copies except  
Destroy 6 years and 3 months after the period of the account.

## *DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 6*

the certified payment or collection copy, usually the original or ribbon copy, and all additional or supporting documentation not involved in an integrated system are covered by succeeding items in this schedule.

Suite audit records include, but are not limited to the Standard Forms listed below. Also included are equivalent agency forms which document the basic financial transaction as described above.

- SF 224 Statement of Transactions
- SF 1034 Public Voucher for Purchases and Services other than Personal
- SF 1036 Statement of Certificate and Award
- SF 1047 Public Voucher for Refunds
- SF 1069 Voucher for Allowance at Foreign Posts of Duty
- SF 1080 Voucher for Transfer between Appropriations and/or Funds
- SF 1081 Voucher and Schedule of Withdrawals and Credits
- SF 1096 Schedule of Voucher Deductions

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- SF 1097 Schedule and Voucher for Transportation Charges
- SF 1098 Schedule of Cancelled Checks
- SF 1113 Public Voucher for Transportation Charges
- SF 1114 Bill of Collection
- SF 1114A Official Receipt

*DISTRICT OF COLUMBIAGENERAL RECORDS SCHEDULE 6*

SF 1114B Collection Voucher

SF 1129 Reimbursement Voucher

SF 1143 Advertising Order

SF 1145 Voucher for Payment under  
Federal Tort Claims Act

SF 1154 Public Voucher for Unpaid  
Compensation Due a Deceased Civilian  
Employee

SF 1156 Public Voucher for Fees and  
Mileage of Witness

SF 1166 Voucher and Schedule of  
Payments

SF 1185 Schedule of Undeliverable  
Checks for Credit to Government Agencies

SF 1218 Statement of Accountability  
(Foreign Service Account)

SF 1219 Statement of Accountability

SF 1220 Statement of Transactions  
according to Appropriation, Funds and  
Receipt Accounts

SF 1221 Statement of Transactions  
According to Appropriation, Funds and  
Receipts Account (Foreign  
Service Accounts)

b. Memorandum or extra copies of accountable officers' returns including statements or transactions and accountability; all supporting vouchers, schedules, and related papers not covered elsewhere in this schedule, and excluding freight records covered in DCGRS 9 and payroll records in DCGRS 2.

Destroy 3 years after the period of the account.

2. GAO Exceptions Files

*DISTRICT OF COLUMBIAGENERAL RECORDS SCHEDULE 6*

General Accounting Office notices of exceptions, such as Standard Form 1100, formal or informal, and related correspondence.

Destroy 1 year after exception has been reported as cleared by GAO.

**3. Certificates Settlement Files.**

Copies of certificates of settlement of accounts of accountable officers; statements of differences, and related records.

a. Certificates covering closed account settlements, supplemental settlements, and final balance settlements.

Destroy 2 years after date of settlement.

b. Certificates covering periodic settlements.

Destroy when 3 years old.

**4. General Fund Files.**

Records relating to availability, collection, custody and deposit of funds including appropriation warrants and certificates of deposit (SF 201, 209, 219), and other than those records covered in Item 1 of this section.

Destroy when 3 years old.

**5. Accounting Administrative Files.**

Correspondence, reports and data relating to voucher preparation, administrative audit, and other accounting and disbursing operations.

a. Files used for workload and personnel management purposes.

Destroy when 2 years old.

b. All other files.

Destroy when 3 years old.

**6. Federal Personnel Surety Bonds.**

a. Official copies of the bond and attached powers of attorney.

Destroy when 2 years old.

*DISTRICT OF COLUMBIAGENERAL RECORDS SCHEDULE 6*

- |   |   |
|---|---|
| 1) Bonds purchased prior to January 1, 1956.  | Destroy 15 years after bond becomes inactive.                                   |
| 2) Bonds purchased after December 31, 1955.   | Destroy 15 years after the end of the bond premium period.                      |
| b. Other bond files, including other copies of bonds and related papers.                              | Destroy when bond becomes inactive or after the end of the bond premium period. |
| <b>7. Gasoline Sales Tickets.</b>   |   |
| Hard copies of sales tickets filed in support of paid vouchers for credit card purchases of gasoline. | Destroy after audit or when 3 years old, whichever is sooner.                   |
| <b>8. Telephone Toll Tickets.</b>   |   |
| Original and copies of toll tickets filed in support of telephone toll call payments.                 | Destroy after audit or when 3 years old, whichever is sooner.                   |
| <b>9. Telegrams.</b>  |   |
| Original and copies of telegrams filed in support of telegraph bills.                                 | Destroy after audit or when 3 years old, whichever is sooner.                   |

**DISTRICT OF COLUMBIA  
GENERAL RECORDS SCHEDULE 9**

**Travel and Transportation Records**

This schedule covers records pertaining to the movement of goods and persons under government orders. The record keeping involved in the movements centers around bills of lading, transportation requests, vouchers, and associated records, including those prescribed by Title 5 of the General Accounting Office *Policy and Procedures Manual*. Copies of some records used to support payments become part of the accountable officers' accounts, or are accounting posting media. Their disposition may be covered by DCGRS 6, Item 1; or DCGRS 7, Item 4; or by Items 1 and 3 of this schedule.

**Movement of Goods:** The key record is the bill of lading, of which there are several copies for consignors, consignees, and the carriers themselves. The papers related to and normally filed with the bill of lading itself are varied and often voluminous. These may consist of shortage and demurrage reports, invoices, and other descriptive data which document the transaction. Included are records relating to the shipment of household effects, authorized by law or regulations for military personnel and for civilian employees of the government. Agencies shipping certain vouchers under the Government Losses in Shipment Act, which insures against loss, retain copies of schedules of material shipped, papers relating to claims which may ensue, and other pertinent documents.

**Movement of Persons:** The movement of persons is documented essentially by copies of travel orders, authorizing travel and subsequent payment, and the standard vouchers showing payment for official travel. The primary copies of the travel orders are the administrative copy maintained by the transportation unit controlling the issuance of travel orders, and the copies used for encumbrance of funds.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
1.	Freight Files  Records relating to freight consisting of export certificates, transit certificates, demurrage car records books, shipping documents pertinent to freight classification, memorandum copies of	

*DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 9*

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
	government or commercial bills of lading, shortage and demurrage reports, and all supporting documents; and including records relating to the shipment of household goods.	
	a. Issuing office memorandum copies.	Destroy when 3 years old.
	b. All other copies.	Destroy when 1 year old.
2.	<b>Lost of Damaged Shipment Files.</b>	
	Schedules of values shipped, correspondence, memorandums, reports, and other records relating to the administration of the "Government Losses in Shipment Act."	Destroy when 3 years old.
3.	<b>Passenger Transportation Files.</b>	
	Memorandum copies of vouchers (SF 1113A), memorandum copies of transportation requests (SF 1169), travel authorizations, transportation request registers, and all supporting papers.	
	a. Issuing office memorandum copy.	Destroy when 3 years old.
	b. Obligation copy.	Destroy when funds are obligated.
	c. Unused ticket redemption forms, such as Form 1170.	Destroy when no longer needed.
4.	<b>Passenger Reimbursement Files.</b>	
	Records relating to reimbursing individuals, such as travel orders, per diem vouchers, transportation requests, hotel reservations, and all supporting papers documenting official travel by employees or others authorized by law to travel.	
	a. Travel administrative office files.	Destroy when 3 years old.
	b. Obligation copies.	Destroy when funds are obligated.

*DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 9*

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
5.	<b>General Travel and Transportation Files.</b>	
	a. Correspondence, forms and related records pertaining to agency travel and transportation functions, not covered elsewhere in this section.	Destroy when 2 years old.
	b. Accountability records.	Destroy 1 year after all entries are cleared.

**DISTRICT OF COLUMBIA  
GENERAL RECORDS SCHEDULE 10**

**Motor Vehicle Maintenance and Operations Records**

These records pertain to the management, maintenance, and operation of motor vehicles used by District government agencies.

This section covers agency records pertaining to the daily use and operation of motor vehicles. In general, records pertaining to motor vehicles reflect a threefold responsibility:

- a. the accumulation of cost and operating data for internal accounting and management purposes and for reports submitted to the Federal Supply Service (SF 82), and equivalent D.C. government forms;
- b. the maintenance of the vehicles themselves; and
- c. protecting the interest of the District government in accident claims against it.

The records themselves consist of chauffeur service logs and reports, vehicle repair and maintenance check-off sheets, cost ledgers and claims correspondence and forms.

Records created prior w January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

1. **Motor Vehicle Correspondence Files**

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Correspondence in the operating unit for maintenance and operation of motor vehicles not otherwise covered in this section.	Destroy when 2 years old.
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2. **Motor Vehicle Operation and Maintenance Files.**

a. Operating records including those relating to gas and oil consumption, dispatching and scheduling.	Destroy when 3 months old.
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b. Maintenance records, including those relating to service and repair.	Destroy when 1 year old.
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***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 10***

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
3.	<b>Motor Vehicle Cost Files.</b>  Motor vehicle ledger and work sheets providing cost and expense data.	Destroy 3 years after discontinuance of ledger or date of work sheet.
4.	<b>Motor Vehicle Report Files.</b>  Reports on motor vehicles (other than accident, operating and maintenance reports).	Destroy 3 years after date of report.
5.	<b>Motor Vehicle Accident Files.</b>  Records relating to motor vehicle accidents, maintained by transportation offices.	Destroy 6 years after case is closed.
6.	<b>Motor Vehicle Release Files.</b>  Records relating to transportation, sale, donation or exchange of vehicles.	Destroy 4 years after vehicle leave agency custody.
7.	<b>Motor Vehicle Operation Files.</b>  Records relating to individual employee operation of government owned vehicles, including driver tests, authorizations to use, safe driving awards, and related correspondence.	Destroy 3 years after separation of employee or 3 years after rescision of authorization to operate government owned vehicle, whichever is sooner.

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**DISTRICT OF COLUMBIA  
GENERAL RECORDS SCHEDULE 12**

**COMMUNICATION RECORDS**

The principal records documenting communication functions include messenger service data, telecommunications service control and operational records; summary of long distance telephone reports; postal records, consisting of Post Office forms and supporting papers; mail control records and supporting and related papers; agency copies of penalty mail reports; and records relating to private delivery services (such as United Parcel Service).

This section covers the records described below, wherever located in an agency, but does not cover records which reflect government-wide programs rather than administrative management functions.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
1.	<b>Messenger Services Files.</b>  Daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and related records	Destroy when 2 months old.
2.	<b>Communication Correspondence, Reports and Reference Files.</b>	
a.	Correspondence and related records Pertaining to internal administration and operation.	Destroy when 2 years old.
b.	Telecommunications general files including plans, reports, and other records pertaining to equipment requests, telephone service, and like matters.	Destroy when 3 years old.
c.	Telecommunications statistical reports including cost and volume data.	Destroy when 1 year old.

***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 12***

**d. Telecommunication reference voucher files.**

(1) Reference copies of vouchers, bill Invoices, and related records.

Destroy when 1 fiscal year old.

(2) Records relating to installation, change, removal, and servicing of equipment

Destroy 1 year after audit or when 3 years old, whichever is sooner.

**e. Copies of agreements with background data and other records relating to agreements for telecommunication services.**

Destroy 2 years after expiration or cancellation of agreements.

**3. Telecommunications Operational Files**

**a. Message registers, logs, performance reports, daily load reports, and related and similar records.**

Destroy when 6 months old.

**b. Copies of incoming and original copies of outgoing messages, including SF 14, Telegraphic Message.**

Destroy when 2 months old.

**c. Machine copies (hard copies), discs, and tapes of outgoing messages.**

Destroy after transmission.

**4. Telephone Summaries.**

Summaries of long distance telephone report used to indicate authorized use of telephone service as well as to audit expense vouchers.

Destroy after the close of fiscal year in which audited.

**5. Postal Records.**

Post Office forms and supporting papers, exclusive of records held by the United States Postal Service.

**a. Records relating to incoming or Outgoing registered mail pouches, registered, certified, insured, and special delivery mail including receipts and return receipts.**

Destroy when 1 year old.

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 12**

- b. Application for postal registration and certificates of declared value of matter subject to postal surcharge. Destroy when 1 year old.
- c. Report of loss, rifling, delay, wrong delivery, or other improper treatment of mail matter. Destroy when 1 year old.
- 6. **Mail and Delivery Service Control Files.**
  - a. Records of receipt and routing of incoming and outgoing mail and items handled by private delivery companies such as United Parcel Service, excluding both those covered by Item 5 of this section and those used as indexes to correspondence files. Destroy when 1 year old.
  - b. Statistical reports of postage used on outgoing mail and fees paid for private deliveries (special delivery, foreign, registered certified, and parcel post or packages over 4 pounds). Destroy when 6 months old.
  - c. Requisition for stamps (exclusive of copies used as supporting documents to payment vouchers). Destroy when 6 months old.
  - d. Statistical reports and data relating to handling of mail and volume of work performed. Destroy when 1 year old.
  - e. Records relating to checks, cash, stamps, money orders, or any other valuables remitted to the agency by mail. Destroy when 1 year old.
  - f. Records of any receipts for mail and Packages received through the official mail and messenger service. Destroy when 6 months old.
  - g. General files including correspondence, memorandums, directives, and guides relating to the administration of mail room operations. Destroy when 1 year old or when superseded or obsolete, whichever is applicable.
  - h. Locator cards, directories, indexes, and other records relating to mail. Destroy 5 months after separation or transfer of individual or when obsolete,

***DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 12***

delivery to individuals.

whichever is applicable.

**7. Penalty Mail Report Files.**

Official penalty mail reports and all related papers.

Destroy when 6 years old.

**8. Postal Irregularities File.**

Memorandums, correspondence, reports and other records relating to irregularities in the handling of mail, such as loss or shortage of postage stamps or money orders, or loss or destruction of mail.

Destroy 3 years after completion of investigation.

**EXCERPT FROM THE  
DISTRICT OF COLUMBIA  
GENERAL RECORDS SCHEDULE 14**

**INFORMATIONAL SERVICES RECORDS**

This schedule covers certain records pertaining to informational services performed by District agencies in their day-to-day affairs and in their relations with the public; including records created in administering the D.C. Freedom of Information Act (DCFOIA). Except as otherwise specified in individual items, it applies to copies of these records wherever located in an agency. Items two (2) and six (6) apply only to files maintained in the office responsible for the operation of the informational activities of the agency of subdivision thereof. Items nine (9) through thirteen (13) describe the files accumulated in carrying out the provisions of the DFOIA.

These records consist of inquiries, replies, and related correspondence; and in the case of DCFOIA, reports, and appeal case files; and administrative background material for *formal informational releases*. Closely related records such as certain records relating to budget presentation, and printing, duplicating and distribution are covered by other general records schedules.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the D.C. Records Disposition Committee on December 18, 1986. It replaces D.C. Schedule 40, Section 24.

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
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16.	Freedom of Information Act (DCFOIA) Requests Files.	
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Files created in response to requests for information under provisions of the DCFOIA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include official file copy of requested record or copy thereof.

a. Correspondence and supporting documents (excluding the official file copy of the records requested if filed therein.

(1) Granting access to all requested records.

Destroy 2 years after date of reply.

(2) Responding to requests for nonexistent

**EXCERPT FROM THE**

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 14**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
	records; to requestors who provide inadequate descriptions; and to those who fail to pay agency reproduction fees.	
	(a) Request not appealed.	Destroy 2 years after date of reply.
	(b) Request appealed	Destroy as authorized under Item 17.
	(3) Denying access to all or part of the records requested.	
	(a) Request not appealed.	Destroy 5 years after date of reply.
	(b) Request appealed.	Destroy as authorized under Item 17.
	b. Official file copy of requested records	Dispose of in accordance with approved agency disposition instructions for the related records, or with the related DCFOIA request, whichever is later.
<b>17.</b>	<b>DCFOIA Appeals files.</b>	
	Files created in responding to administrative appeals under the DCFOIA for release of information denied by the agency, consisting of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.	
	a. Correspondence and supporting Documents (excluding the file copy of the records under appeal if filed herein).	Destroy 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.
	b. Official file copy of records under appeal.	Dispose of in accordance with approved agency disposition instructions for the related DCFOIA requests, whichever is later.
<b>18.</b>	<b>DCFOIA Control Files.</b>	
	Files maintained or control purposes in responding to requests, including registers and similar records listing date, nature, and	

**EXCERPT FROM THE**

**DISTRICT OF COLUMBIA GENERAL RECORDS SCHEDULE 14**

<b>ITEM</b>	<b>DESCRIPTION</b>	<b>AUTHORIZED DISPOSITION</b>
	purpose of request and name and address of requestor.	
	a. Registers or listings.	Destroy 5 years after date of last entry.
	b. Other Files	Destroy 5 years after final action by the agency or after final adjudication by courts, whichever is later.
<b>19.</b>	<b>DCFOIA Report Files.</b>	
	Recurring reports and one-time information requirements relating to the agency implementation of the Freedom of Information Act, including annual reports to the Mayor.	
	a. Annual reports at departmental agency level.	<b>PERMANENT.</b> Offer to Archives with related agency records approved for permanent retention in agency records control schedule or when 15 years old whichever is sooner.
	b. Other reports.	Destroy when 2 years old or sooner if no longer needed for administrative use.
<b>20.</b>	<b>DCFOIA Administrative Files.</b>	
	Records relating to the general agency implementation of the DCFOIA, including notices, memoranda, routine correspondence, and related records.	Destroy when 2 years old or sooner if no longer needed for administrative use.

**EXCERPT FROM**  
**DISTRICT OF COLUMBIA**  
**GENERAL RECORDS SCHEDULE 18**

**SECURITY AND PROTECTIVE SERVICE RECORDS**

Security and protective services records include the various files created by District agencies to control and protect government facilities from unauthorized entry, or loss; and to develop and implement plans for the protection of life and property under emergency conditions. Included are files of offices having District-wide or agency-wide responsibilities for security and protective services programs. Also included are files of security units, guard forces, and other organizational elements documenting access to facilities, and like matters.

This schedule authorizes disposal of records documenting administrative actions relating to the above functions. Records documenting District-wide or agency-wide security and protective services planning and programming, reflecting basic overall policies and determinations (Item 1) of this schedule, are not authorized for disposal or destruction by this schedule. Variations among agencies in methods of implementing statutory requirements for security and protective services result in dissimilarities in program documentation. District agencies must include Item 1 below in their agency records schedule.

Records created prior to January 1, 1921, must be offered to the D.C. Archives before applying the disposition instructions set forth in this schedule.

This general records schedule was approved by the Board of Commissioners on January 26, 1965.

ITEM	DESCRIPTION	AUTHORIZED DISPOSITION
10.	<b>Survey and Inspection Files (Government Owned Facilities).</b>  Reports of surveys and inspections of government-owned facilities conducted to insure adequacy of protective and preventive measures taken against hazards of fire, explosion, and accidents, and to safeguard information and facilities against sabotage and unauthorized entry.	Destroy when 3 years old, or upon discontinuance of facility, whichever is sooner.



## DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

OPI: ENVIRONMENTAL  
Number: 2920.3A  
Date: January 15, 2008  
Supersedes: 2920.3 (3/8/93)  
Subject: Control of Hazardous  
and Non-Hazardous  
Chemicals

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1. **PURPOSE AND SCOPE.** To establish procedures for the handling, storage and disposal of hazardous and non-hazardous chemicals, including hazardous waste, within the DC Department of Corrections (DOC).
2. **POLICY.** It is the policy of the DOC to make provisions for storing, inventorying and disposing of hazardous chemicals, non-hazardous chemicals and hazardous waste in a manner which protects the health and safety of employees and inmates consistent with applicable local and federal regulations.
3. **APPLICABILITY.** This directive is applicable to all DOC employees, contractors and other persons who provide services to the DOC and inmates.
4. **PROGRAM OBJECTIVES.** The expected results of this directive are:
  - a. Adequate controls for hazardous and non-hazardous chemicals will be provided through an organized system of regulations governing the acquisition, storage, use and disposal of such chemicals.
  - b. DOC staff, contractors who provide services to the DOC and inmates will receive appropriate training in hazards associated with hazardous chemicals.
  - c. The disposal of hazardous chemicals and hazardous waste will comply with applicable local and federal regulations.
  - d. The DOC will provide a safe work environment for staff, inmates and other individuals who enter the Central Detention Facility (CDF).

5. **NOTICE OF NON-DISCRIMINATION.**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

6. **DIRECTIVES REFERENCED**

a. **Directives Rescinded.**

DO 2920.3      Hazardous Waste Management (3/8/93)

b. **Directives Referenced**

PS 2000.2A      Retention and Disposal of Department Records (12/15/05)

7. **AUTHORITY.** D. C. Code § 24-211.02, Powers; Promulgation of Rules

8. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA), 2<sup>nd</sup> Edition, Standards for Administration of Correctional Agencies: 2-CO-3A-01.
- b. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-1A-02 and 4-ALDF-1C-11.

9. **DEFINITIONS.** For the purpose of this Program Statement, the following definitions shall apply:

- a. **Caustic Chemical (corrosive)** A substance capable of destroying or eating away by chemical reaction.
- b. **Combustible Liquid** A substance with a flash point at or above 100°F. Classified by flash point as a Class (II) or Class (III) liquid.

- c. **Environmental Supervisor** A DOC employee assigned to manage and direct safety and fire protection programs.
- d. **Flammable Liquid** A substance with a flash point below 100<sup>0</sup> F (37.8<sup>0</sup> C). Classified by flash point as a Class (I) liquid.
- e. **Flash Point** The minimum temperature at which a liquid will give off sufficient vapors to form an ignitable mixture with the air near the surface of the liquid or in the vessel used.
- f. **Hazardous Material** Any substance or mixture of substances having properties capable of producing adverse effects on the health and safety or the environment of a human being. Substances which have hazardous characteristics such as: flammable, corrosive, reactive, toxic, radioactive, poisonous, carcinogenic or infectious.
- g. **Label** Written, printed or graphic material displayed on or affixed to containers of hazardous chemicals.
- h. **Material Safety Data Sheet** A document required by government regulation for all hazardous chemical substances produced and/or sold in the United States. Each MSDS sheet shall contain the following information: the identity used on the label, physical and chemical characteristic (i.e., vapor pressure and flash point), physical and health hazards, primary routes of entry, exposure limits, precautions for safe handling and use, control measures, emergency and first aid procedures, and the chemical manufacturer's name, address and telephone number.
- i. **Toxic Material** A substance that, through chemical reaction or mixture, can produce possible injury or harm to the body through the skin, digestive tract or respiratory tract.
- j. **Personal Protective Equipment (PPE)**- Equipment or clothing that is intended to be worn by an individual to create a barrier against hazards.

## 10. **PROCUREMENT OF HAZARDOUS CHEMICALS**

- a. Employees shall make every effort to replace hazardous chemicals with products less likely to cause accidental harm, be abused or misused in a detention setting.
- b. The purchase and/or use hazardous chemicals will be coordinated with the Environmental Supervisor. All hazardous chemicals must be approved by the Environmental Supervisor for use within the facility prior to purchase.

- c. When hazardous chemicals are delivered to the facility, warehouse personnel shall conduct an inventory and store the chemicals in an approved area until the Environmental Supervisor inspects and approves the chemical.
- d. No person may enter the facility with any chemical not authorized and approved by the Environmental Supervisor.

**11. MATERIAL SAFETY DATA SHEETS (MSDS)**

- a. The Environmental Supervisor shall require suppliers and/or manufacturers of all hazardous chemicals purchased by the DOC to provide MSDS before the chemicals are accepted and/or admitted to the CDF.
- b. Shipments of hazardous chemicals shall not be accepted unless accompanied by the proper MSDS, unless one is already on file.
- c. The Environmental Supervisor shall request MSDS from all suppliers and/or manufacturers of hazardous chemicals found on the premises which do not have current MSDS available.
- d. All hazardous chemicals for which MSDS are not available and cannot be obtained shall be removed from the premises and their use terminated.
- e. All Material Safety Data Sheets shall be maintained at the location where the chemical is stored and/or used. Copies of all MSDS shall be maintained by the Environmental Supervisor.

**12. ACCOUNTABILITY AND CONTROL**

- a. Each Department Head shall ensure that all hazardous chemicals used in their service areas are accounted for and controlled as required by this directive.
- b. Each department head area will review the MSDS for all hazardous chemicals used in their service area to determine the required PPE to be used. The department head will provide and ensure that PPE is used by those employees or inmates utilizing the chemical.
- c. The issuance and use of hazardous chemicals shall be restricted to authorized personnel.
- d. Chemicals shall only be dispensed to those employees, contractors or inmates who have received training in their use.
- e. Chemicals shall never be mixed.

**13. INVENTORY CONTROL.**

- a. The Warden or designee shall ensure there is a current inventory of all hazardous chemicals maintained in the facility.
- b. All flammable, toxic and caustic chemicals shall be controlled and used safely.
- c. An accurate perpetual Inventory must be kept on all hazardous chemical storage areas or cabinets. A copy of the inventory must be maintained in the actual location where the chemical is stored.
- d. The Environmental Supervisor shall maintain a copy of the inventory in accordance with PS 2000.2A, Retention and Disposal of Department Records.
- e. If necessary, the supervisor of any work area may contact the Environmental Supervisor for assistance in defining hazardous and/or dangerous chemical used and/or stored in their area.

**14. STORAGE RESPONSIBILITIES**

- a. The Environmental Supervisor shall inspect all hazardous chemical storage areas and inventories on a weekly basis to ensure that hazardous chemicals are properly stored and controlled. Deficiencies shall be reported to the Deputy Warden for Support Services.
- b. All hazardous chemicals will be labeled, Each label shall contain the identity of the chemical, appropriate hazard warnings and the name of the manufacturer.
- c. Storage of any hazardous chemical will be in compliance with prevailing laws, regulations and best practices to prevent accidental fires, explosions, exposures, contaminations, spills or other events.
- d. Access to the hazardous chemicals storage areas shall be restricted to authorized personnel. The chemical storage areas are to be secured at all times when not in use.
- e. Hazardous chemicals must be stored with proper liquid covers, barriers or seals to prevent the release of vapors.
- f. Hazardous Chemicals shall only be stored in approved areas. They will not be stored in an employee work area.
- g. All hazardous chemical stored will have a MSDS and a perpetual inventory located in the storage area.

- h. Each hazardous chemical storage area inside the facility will have an eyewash station in close proximity with fifteen (15) minutes of continuous flow.

15. **STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS.** The following procedures shall be followed and enforced for the storage of flammable chemicals and explosives:

- a. Flammable liquids shall be stored in cabinets manufactured from non-flammable chemicals when not in use. The cabinets shall be labeled "Flammable".
- b. Cabinets will not be used to store more than sixty (60) gallons of a Class I or a Class II liquid or more than one hundred twenty gallons of a Class III liquid.
- c. Flammable liquids will not be stored with caustic or toxic chemicals or oxygen producing chemicals.
- d. Flammable and combustible liquids shall be drawn from or transferred into approved safety cans listed or labeled by a nationally recognized testing company containers by the following methods:
  - 1) A closed piping system from safety cans;
  - 2) A device drawing through the top; or
  - 3) Gravity through an approved self-closing system.
  - 4) Secondary portable containers must have legible labels identifying the chemical.
- e. Flammable and combustible liquids, including grease and oil, shall be stored in approved containers.
- f. Inside storage cabinets for flammable and combustible liquids shall be of fire resistive construction with self-closing doors (fire doors) at all openings, four inch sills or four inch depressed floors. The cabinet shall be labeled "Flammable" and be properly secured.
- g. Outside storage cabinets shall be of fire resistive construction with self-closing doors (fire doors) at all openings. Wherever necessary, the area will be protected against tampering or trespassing and shall be kept free of weeds, debris and other combustible chemicals not necessary to the storage. The cabinet shall be labeled "Flammable" and be properly secured.
- h. Small quantities of gasoline for use in lawn mowers and other power equipment may be stored in approved portable containers in the Motor Pool area.

**16. STORAGE OF FLAMMABLE GAS CYLINDERS**

- a. All cylinders will be stored with a valve cap protector
- b. Oxygen cylinders shall be separated from fuel gas cylinders at a minimum of twenty (20) feet.
- c. Cylinders, whether empty or full, shall be chained or stored in approved racks in an upright position.
- d. Cylinders must not be exposed to temperatures of more than one hundred and thirty (130) degrees.
- e. Cylinders shall be stored in a well ventilated area.

**17. STORAGE OF CAUSTIC AND TOXIC CHEMICALS**

- a. Caustic and toxic chemicals shall be stored in an enclosed, locked, storage area inaccessible to inmates.
- b. Only limited amounts sufficient to accomplish the mission shall be stored inside of the Central Detention Facility.
- c. All caustic and toxic chemicals shall be stored in the original container with the manufacturer's label intact.,

**18. USE OF FLAMMABLE/COMBUSTIBLE CHEMICALS**

- a. Use of flammable chemicals shall be in accordance with manufacturer's instructions, appropriate "intended" use, in a well ventilated area and away from sparks or other ignition sources.
- b. The amount of flammable liquid located outside of the storage cabinet will be limited to the amount necessary for one (1) day use.
- c. Use of flammable liquids by inmates will be under close supervision.
- d. Under no circumstances shall gasoline be used for cleaning. Only liquids with a flash point above one hundred (100) degrees can be used for cleaning.
- e. Cleaning of metal parts shall be accomplished with an approved cleaning agitator or pump cleaner and not in the buckets.
- f. Approved parts cleaner cabinets, with fusible linked lid, shall be used.

- g. Ventilation of areas where flammable liquids with flash points below 100<sup>0</sup>F are used shall be provided at a rate of not less than one (1) cubic foot per minute per square foot of floor area.

## 19. **NON-HAZARDOUS CHEMICALS**

- a. Diluted chemicals with a hazard rating of zero (0) or one (1) for health, flammability, and reactivity are not considered hazardous chemicals.
- b. All non-hazardous chemical containers must be labeled by the manufacturer and contain the corresponding chemical.
- c. A perpetual inventory will be maintained on the issuance of non-hazardous chemicals.
- d. MSDS sheets must be maintained on the non-hazardous chemicals and in the areas in which the chemical is used.
- e. The Environmental Supervisor will make physical checks of chemicals storage areas to ensure proper dispensing and inventories are enforced.
- f. Non-hazardous chemical storage areas will only be accessed by authorized personnel.
- g. Non-hazardous chemical storage areas will be secured when not in use.
- h. Inmates utilized to dispense non-hazardous chemicals will be trained accordingly.

## 20. **BLOOD-BORNE PATHOGENS**

- a. All individuals assigned to tasks that expose them to blood-borne pathogens must undergo special training. This training shall be provided by the Health Educator/ Infectious Disease Control Coordinator or by the environmental staff with the assistance and direction of the Health Educator/Infectious Disease Control Coordinator. This training must be documented and retained in the Office of Environmental Safety and Sanitation.
- b. The following procedures shall be followed when cleaning an area where body fluids have been spilled.
  - 1) Preparation and Precautions
    - a) Use universal precautions and consider all blood or body fluids potentially infectious. Universal precautions require the use of appropriate barrier precautions to prevent skin and mucous membrane exposure when contact with blood or body fluids are

anticipated.

- b) Latex gloves shall be worn at all times when cleaning up blood or other body fluids. Change gloves after contact with each blood-borne situation.
- c) Masks and protective eye wear or face shields shall be worn during procedures that are likely to generate blood or body fluids to prevent exposure of mucous membranes of the mouth, nose and eyes.
- d) Gowns or plastic aprons shall be worn during procedures that are likely to generate splashes of blood or body fluids.
- e) Keep splashing to a minimum.
- f) Be careful not to touch or rub your mouth, eyes or nose.

2) Spill Cleanup

- a) Remove blood and body fluids with bio-hazardous spill kits or an approved absorbent material.
- b) Pack absorbent material containing the spilled body fluid in leak-proof bio-hazardous red bags or containers, and seal with tape.
- c) Carefully and very gently sweep up loose dirt, using a broom and dustpan.
- d) Apply hot soapy water to any areas having visible contaminants.
- e) Using a stiff brush, thoroughly scrub surfaces, paying special attention to corners and cracks.
- f) Mop up excess soiled water when done.
- g) Apply a bleach solution to disinfect the area.

3) Equipment needed:

- a) Disposable latex or vinyl gloves in various sizes
- b) Protective eyewear
- c) Facemasks
- d) Clean plastic coveralls or other appropriate body protection in appropriate sizes
- e) Disposable shoe coverings

- f) Puncture resistant containers for sharp objects
  - g) Leak proof plastic bags imprinted with the biohazard symbol
  - h) Tape for sealing bags
  - i) Bags for normal waste
  - j) Water-free hand-washing cleanser
  - k) Waterproof bandages
  - l) Absorbent cleaning materials for spills
  - m) "Isolation Area-Do Not Enter" signs
- 4) Decontamination and Precautions
- a) Do not let the outer surfaces of gloves, protective eyewear or body covering touch the skin when taking personal protective equipment off.
  - b) Dispose of all personal protective equipment by discarding appropriately in bio-hazardous waste bags.
  - c) Wash hands and other exposed skin areas.
  - d) Decontaminate non-disposable items such as brushes, mops, pails and other cleaning equipment by rinsing them with a fresh bleach solution (1 part bleach to 10 parts water). Pour the water that was used to clean up the spill, into a mop sink or floor drain only.
  - e) Do not throw contaminated items into the regular trashcan.
  - f) Contact the Medical Unit's Infectious Disease Control Coordinator for pick-up and disposal of the bio-hazardous waste bags.

## 21. DISPOSAL.

- a. The Warden shall ensure that hazardous chemicals/materials are disposed in accordance with all applicable federal, state and local laws and regulations.
- b. The Environmental Supervisor shall maintain copies of all hazardous waste disposal manifests.

## 22. TRAINING

- a. All employees shall receive basic training on the requirements of this directive.

- b. All employees who work with hazardous chemicals or in areas where hazardous chemicals are stored and/or used shall receive training on the hazardous nature of any substance they may be required to come into contact with or be exposed to in the normal course of their duties. Wherever possible, such training shall take place before initial exposure. Training shall include the availability and proper use of personnel protective equipment, engineering controls, proper work practices, emergency procedures the availability and locations of Material Safety Data Sheets (MSDS), at the facility.
- c. Hazardous chemicals training shall be documented in the employee's training file.
- d. All inmates who work with hazardous chemicals or in areas where hazardous chemicals are stored and/or used shall receive training on the hazardous nature of any substance they may be required to come into contact with or be exposed to in the normal course of their duties. Wherever possible, such training shall take place before initial exposure. Training shall include the availability and proper use of personnel protective equipment, engineering controls, proper work practices and emergency procedures, and the locations of Material Safety Data Sheets (MSDS), at the facility.
- e. Inmate training records shall be maintained by the Environmental Supervisor.

  
Devon Brown  
Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

OPI                      DIR  
Number:                2920.8  
Date:                    February 21, 2008  
Supersedes:         First Issuance  
Subject:                Environmental Safety and  
                              Sanitation Inspections

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1. **PURPOSE AND SCOPE.** To establish procedures for identifying and correcting maintenance and sanitation problems at the DC Department of Corrections (DOC) Central Detention Facility (CDF) and for documenting necessary independent environmental health and safety audits and inspections.
2. **POLICY**
  - a. It is DOC policy to ensure CDF complies with all applicable laws and regulations and there is at least annual inspection(s) and documentation by an independent, outside source that any past deficiencies noted in inspections have been corrected.
  - b. It is DOC policy to ensure that the CDF is clean, sanitary and environmentally safe, consistent with all applicable local regulations, standards and policy by requiring:
    - 1) A qualified DOC staff member to conduct weekly sanitation inspections of all facility areas;
    - 2) A DOC Safety/Sanitation Specialist to conduct monthly inspections; and
    - 3) Designated employees to conduct regular internal inspections of the facility.
3. **NOTICE OF NON-DISCRIMINATION**
  - a. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code section 2-1401.01 *et seq.*, (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited

by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to programs.

4. **PROGRAM OBJECTIVES.** The expected results of this program are that:

- a. DOC and external safety, health and sanitation specialists shall conduct routine inspections of the CDF to identify and document deficiencies. DOC shall ensure adequate corrective action is taken in a timely manner.
- b. The Warden, Deputy Wardens, Program Managers and executive staff shall conduct inspections of the facility in order to evaluate conditions and ensure corrective action that reduces environmental, safety and fiduciary risks.
- c. When environmental and sanitation problems stem from inoperable equipment at the CDF, housing unit officers, supervisors and maintenance tradesmen shall enter the problems into the automated reporting system as outlined in PS 7500.2 "Facilities Maintenance".
- d. Staff, who conduct prescribed inspections and managers responsible for corrective action shall ensure abatement of deficiencies in accordance with the Environmental Safety and Sanitation Program.

6. **DIRECTIVES AFFECTED**

a. **Directives Rescinded**

None

b. **Directives Referenced**

- 1) PS 2120.3            Food Service Program
- 2) PS 2920.1           Fire Safety Inspections
- 3) PS 2920.2           Abatement Plan of Action Program
- 4) PS 2920.3           Hazardous Materials Management
- 5) PS 2920.4           Environmental Safety and Sanitation Program
- 6) PS 2920.6           Housekeeping Plan

- 7) PS 2920.7 Clothing and Linen Exchange
- 8) PS 7500.2 Facilities Maintenance

7. **AUTHORITY.** DC Code § 24-211.02. Powers; Promulgation of Rules

8. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA) 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-4D-01.
- b. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-1A-01 and 4-ALDF-1A-07.

5. **RESPONSIBILITIES**

- a. Environmental Safety and Sanitation Officer. The Warden shall appoint an Environmental Safety and Sanitation Officer (hereafter the Environmental Safety Officer) to:
  - 1) Ensure day-to-day oversight for compliance with applicable safety and environmental health regulations, codes and standards.
  - 2) Conduct monthly facility inspections pursuant to this directive.
  - 3) Coordinate inspections conducted by the DC Department of Health (DOH) and DC Occupational Safety and Health (OSH).
- b. The Food Services Contract Monitor shall pursuant to *PS 2120.3 Food Service Program*, inspect the food service areas each day for compliance with safe food handling and environmental safety and sanitation.
- c. The Health Services Administrator pursuant to the contractual agreement shall conduct visits and inspections to ensure contractor compliance with environmental and safety standards for health care.
- d. Duty Administrative Officers assigned on a weekly rotation shall during visits to CDF, conduct inspections of randomly selected portions of the CDF.
- e. The Fleet Management Officer shall in accordance with PM 2830.1B “Use of Government Vehicle—Fleet Management” ensure that vehicles receive annual safety inspections by a qualified individual pursuant to local law, ensures safety repairs are readily completed and maintained in a manner that prevents environmental harm as mandated by local regulations.

- f. The Risk Manager and other DOC executives shall conduct visits and subsequent evaluations for risk exposure review. Risk Exposure reviews include identification of the hazard; frequency, severity and level of seriousness for public and employee safety; steps needed to eliminate or reduce the risk; cost projections to rectify the condition and anticipated savings or productivity gains that may result from implementation
- g. Managers and staff shall routinely conduct inspections, report deficiencies and take action as outlined in this directive to ensure satisfactory levels of sanitation.
- h. The OIC or designated staff shall conduct daily inspections of housing units as set forth in this directive.

## 6. DAILY INSPECTIONS OF THE FOOD SERVICES PROGRAM

- a. *DOC Culinary OIC.* Within one hour of commencement of the shift, the Culinary OIC shall perform daily sanitation inspections and input findings into a PDA.
- b. *DOC Food Service Contract Monitor*
  - 1) The Contract Monitor shall pursuant to PS 2120.3 Food Services Program, monitor DOC and contractor staff compliance with the environmental safety and sanitation program and input findings into a Personal Data Assistant (PDA).
  - 2) The Contract Monitor shall pursuant to *PS 2120.3 Food Service Program* monitor the contractor's compliance with prompt culinary equipment repair, replacement and contingency operations when equipment breakdowns result in but not limited to menu changes, delayed meal service, and styroform tray use
- c. *Food Services Contractor.* The contractor shall conduct and document daily inspections of the culinary and of all food service equipment pursuant to the contractual agreement and local laws.

## 7. DAILY HOUSING UNIT INSPECTIONS

- a. General Cleanliness. The Unit OIC shall upon assumption of the housing unit visually inspect tiers, cells, showers, gyms/recreation areas, dayrooms, closets, the control bubble and any other general areas and ensure immediate corrective action for any of the following issues:
  - 1) Cells – Inmate's cells are not clean or are in disarray. Mattresses are torn.

- 2) Floors – dirty or there is a wax buildup
  - 3) Walls – dirty or contains graffiti
  - 4) Trash cans – Filled with trash or require cleaning
  - 5) Vents – are covered with paper or other obstructions
  - 6) Exits – obstructed or exit lights are not broken
  - 7) Vermin – Insects and other pests are seen or there is evidence such as rodent droppings
- b. Environmental Safety. The Unit OIC or designated staff shall visually inspect and document findings of all of the following areas in a Personal Data Assistant PDA.
- 1) Cells (*Only on the #2 and #3 Shift*). The Unit OIC or designated staff shall inspect each cell and shall ensure that the inmate(s) occupying each cell demonstrate(s) that the toilet, sink and lights are working.
  - 2) Cell Block Common Areas. The Unit OIC or designated staff shall visually inspect showers, dayrooms, on-unit classrooms and recreation areas, chase closets and storage areas supply closets, cell tiers, and the control bubble.
  - 3) Lighting. Staff shall monitor lighting to ensure all lights are working properly.
  - 4) Plumbing. Staff shall monitor toilets, sinks, showers and drains to ensure they are functioning properly and are free from leaks.
  - 5) Doors. Staff shall monitor that cell and all other doors in the housing unit to determine that they are operational and locks are functioning properly.
8. **MAINTENANCE.** When equipment and maintenance related deficiencies are entered into the PDA, the data is migrated to the DOC Facilities Management database, MICROMAIN and a work report is automatically generated.
9. **HOUSING UNIT INSPECTIONS SUPERVISION AND MANAGEMENT**
- a. Zone Supervisors shall obtain Crystal Reports to verify that housing unit/designated staff recorded inspections in the PDA. Zone Supervisors may view this information from the computer in the Floor Control Unit.

- b. During the course of each shift, Zone Supervisors shall visit each assigned housing unit to conduct a general visual inspection for cleanliness, that adequate cleaning supplies are available and equipment and fixtures are operational.

10. **WEEKLY FACILITY INSPECTIONS AND ABATEMENT**

- a. Food Services Program. The Environmental Safety Officer and the Culinary Contract Monitor, shall document weekly inspections of food service areas and equipment pursuant to *PS 2120.3 Food Service*.
- b. Housing Units
  - 1) The Warden and designated CDF senior managers shall conduct and shall document weekly inspections of housing units (Attachment A and Attachment B).
  - 2) The Warden shall ensure appropriate corrective actions are taken.
- c. General Facility Inspections
  - 1) *Program Managers and Office Chiefs* at the CDF shall conduct and document weekly inspections of offices and general areas that are under their responsibility and document findings to the appropriate Deputy Warden (Attachment B).
  - 2) General areas include but are not limited to the: Maintenance Shop, Supply Warehouse, Loading Dock, Canteen, Staff Entrance, Command Center, Male and Female Receiving & Discharge (R&D), Clothing Issue, Laundry, Recreation Yard, Administrative Suite, OMITS, Records Office, Mail Room, Chapel, Law Library, Academic Classrooms, Visiting Halls, Training Academy, ODR, Staff Lounge, Classification and Chaplain/Volunteer Offices, Pool Room, the Medical Unit and common areas in inmate housing units.
  - 3) Inspections shall include but not be limited to:
    - a) Cleanliness and orderliness of offices and storage areas.
    - b) Safety compliance in offices (ex: electrical cords, combustible material storage, unobstructed vents, floor safety, other safety hazards, first aid kits).
    - c) Fire extinguisher inspection checks and equipment placement.
    - d) Lights, exit signs, plumbing.
    - e) Chemical control, storage, inventory and MSDS compliance.

- f) Trash/garbage schedule compliance and pest control.
  - g) Reporting malfunctioning equipment or safety hazards.
- d. Corrective Plan of Action
- 1) The program manager or affected department shall take immediate corrective action such as submitting a work order to facilities management.
  - 2) When immediate corrective action is not possible, the Environmental Safety Officer, Fire Safety Officer, Contract Monitor, Correctional Program Managers/Office Chiefs, Correctional Program Officer or other senior manager will generate a POA and forward a copy to the Correctional Program Specialist designated to coordinate quality assurance for the environmental safety and sanitation program and the appropriate Deputy Warden.
  - 3) The affected manager shall forward successfully closed out Plan of Action(s) to the Environmental Safety Officer and the Deputy Warden for Support Services.

## 11. MONTHLY INSPECTIONS

- a. Sanitation
- 1) The Environmental Safety Officer shall conduct a comprehensive and thorough monthly inspection to ensure that the facility complies with applicable environmental safety and sanitation standards and regulatory codes (Attachment C).
  - 2) Each program manager or designee shall be present when the Environmental Safety Officer performs inspections of areas such as the medical unit, the warehouse, storage rooms, shops, canteen, food services, etc. It is expected that joint inspections shall result in collaborative resolution of problems and deficiencies.
  - 3) The Environmental Safety Officer shall document whether there is compliance with prevention, identification and abatement activities.
- b. Pest Control
- 1) The Deputy Warden shall ensure a qualified person conducts monthly vermin and pest control inspections and can either document that pest control treatments are effective or recommend appropriate abatement.

- 2) The Environmental Safety Officer or designee shall monitor pest control and file a weekly report, noting any findings and remedial action.
  - e. Hazardous Materials. The Environmental Safety Officer shall pursuant to *PS 2920.3 Hazardous Materials Management*, conduct and document the annual hazards assessment, to include associated risks and appropriate response assessment for compliance with the use and maintenance of potentially hazardous areas, storage, and use of hazardous materials, equipment installation and use, and other safety-related issues.
  - f. The Environmental Safety Officer or designee shall conduct monthly inspections of portable eyewash stations to ensure performance compliance with the manufacturer's specifications. If a fixed eyewash station is used, the Environmental Safety Officer shall test water quality and to test water flow for a minimum of fifteen (15) minutes.
  - g. The Facilities Maintenance manager shall ensure preventative maintenance, routine and emergency inspections, repairs and other appropriate corrective action are completed and documented in accordance with *PS 7500.2 Facilities Maintenance*.
12. **LOCAL AND INDEPENDENT INSPECTIONS.** The Warden may delegate responsibility to the Environmental Safety Officer for scheduling annual independent inspections.
- a. The Environmental Safety Officer shall ensure that appropriate fire safety and facilities maintenance staff accompany external inspectors; making immediate corrections where possible, promptly taking other more complex corrective action and requesting re-inspection prior to the external inspector's departure; and submitting plans of action and documentation of more long term action.
  - b. The Environmental Safety Officer shall ensure correction and documentation of past deficiencies cited from inspections conducted by the DC Departments of Health, Occupational Safety and Health Administration, DC Fire and Emergency Management and other independent consultants that the Director has designated.
  - c. Department of Health
    - 1) The Department of Health (DOH) will conduct at least annual inspections for environmental safety and sanitation compliance at the CDF.
    - 2) The DOH Food Protection Branch conducts an annual inspection of the food services operation to include issues regarding the health and

safety of food service workers and those offenders and staff who use the food service program.

- 3) Upon receipt of the DOH report of findings, the Deputy Director shall ensure corrective actions are documented pursuant to *PS 2920.2 Abatement Plan of Action Program* plans shall be completed within 15 days of receipt of the inspection report and corrective action obtained within 10 additional days.
- d. DC Fire and Emergency Medical Services (DCFEMS)
    - 1) Local fire and life safety codes, Building Officials Codes, and Code Administrators fire prevention codes are applied in the inspections conducted by the DCFEMS.
    - 2) A written report, identifying any deficiencies or non-compliance, shall be forwarded to the Deputy Director for corrective action.
    - 3) The Fire Protection Specialist shall ensure that corrective actions are completed in compliance with ACA Standards local environmental regulations and PS 2920.1B "Fire Safety (3/9/01)".
  - e. Water Supply. Facilities Management shall ensure that the facility's potable water source and supply is annually certified by an independent outside source as compliant with applicable laws and regulations.

13. **ABATEMENT PLAN OF ACTION.** Upon receipt of a cited deficiency the Warden or designee, the affected Safety Officer and responsible managers shall develop a plan of corrective action, implement procedures to address the problem(s) and document actions taken pursuant to *PS 2920.4 Inspections and Abatement*.

#### 14. **DOCUMENTATION**

- a. The Environmental Safety Officer shall maintain documentation of DC Department of Health inspections at CDF and corrective action plans and abatement.
- b. The Facility Maintenance Manager shall maintain documentation of inspections, abatement and certification in the following areas:
  - 1) Certification of the institution's water supply by an independent qualified person that ensures compliance with all applicable local laws and regulations.

- 2) Water and sewage systems approved by local and state health departments and operated in continual compliance with local regulations.
  - 3) Inspection and testing of water and sewage systems and the food preparation areas conducted by local health inspector.
- c. The Fire Protection Specialist shall maintain documentation of inspections, abatement and certification in the following areas:
- 1) Compliance with all applicable fire safety codes.
  - 2) Certification by a qualified inspector that travel distances to exits are in compliance with the National Fire Safety Code and that defective or inoperable fire equipment has been repaired or replaced.



Devon Brown  
Director

#### Attachments

Attachment A	CDF Weekly Inspection Report – Warden/Program Managers
Attachment B	CDF Weekly Inspection Report Supplement – Warden’s Team
Attachment C	CDF Monthly Environmental Safety Inspection Report



#### 4. **DIRECTIVES AFFECTED**

##### a. **Directives Rescinded**

PS 3350.1A                    “Employee and Inmate Relationship”

##### b. **Directives Referenced.** This directive includes but is not limited to provisions further mandated in the following DOC policies and procedures.

- 1) PS 1340.2                    Media Relations
- 2) PS 2830.1                    Use of Government Vehicles-Fleet Management
- 3) PS 3040.2                    Correctional Officer’s General Orders
- 4) PS 3040.5                    Outside Employment
- 5) PS 3350.2                    Elimination of Sexual Abuse, Assault and Sexual  
Misconduct
- 6) PS 3310.4                    Sexual Harassment Against Employees
- 7) PS 3360.2                    Employee Appearance and Attire
- 8) PS 5010.3                    Contraband Control
- 9) PS 5011.1                    Possession and Use of Firearms
- 10) PS 5320.1                    Key Control
- 11) PS 6050.4                    Mandatory Employee Drug and Alcohol Testing

#### 5. **AUTHORITY**

- a. D.C. Code § 24-211.02, Powers; Promulgation of Rules [Formerly § 24-211]
- b. D.C. Official Code § 2.1401.01 et seq., DC Human Rights Act
- c. District of Columbia Personnel Manual, Chapter 16, General Discipline and Grievances
- d. District of Columbia Personnel Manual, Chapter 18, Employee Conduct
- e. District of Columbia Personnel Manual Chapter 39, Testing for Presence of Controlled Substances and Alcohol

## 6. NOTICE OF NON-DISCRIMINATION

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

## 7. STANDARDS REFERENCED

- a. American Correctional Association (ACA), 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-1C-24
- b. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-7C-02 and 4-ALDF-7C-03

## 8. EMPLOYEE/INMATE RELATIONSHIPS

- a. Employees shall not become intimately or romantically involved in a relationship with an inmate and/or individuals under criminal justice control or supervision.
- b. Sexual contact between employees and inmates, regardless of consensual status is prohibited and punishable by criminal law.
- c. Employees shall keep their conversation with inmates on a professional level at all times, and shall refrain from discussing their personal lives and activities with them.
- d. Employees shall not use profane or abusive language toward an inmate.
- e. Employees shall not use cruel, inhumane or corporal punishment, excessive force, or in any way mistreat individuals under DOC care, custody and control.
- f. Employees shall not work for the parole, pardon, commutation of sentence or other appeal of any inmate, write letters on their behalf in an unofficial

capacity, or interest themselves in same without prior approval of the Director or designee.

- g. Employees shall not develop personal relationships with inmates outside their professional responsibilities.
- h. Employees shall not develop social relationships with the families of inmates outside their professional responsibilities. An employee having pre-existing relationships with inmates or their families must report them to his/her supervisor.
- i. Employees shall not supervise or influence decisions affecting inmates who are their family members or with whom the employee is or has been familiar with outside of the workplace.
- j. Employees, who have an immediate relative who is incarcerated in CDF or a DOC contract facility shall obtain the written recommendation of their immediate supervisor and the affected Warden's approval to visit the inmate. Such visits shall only occur during an employee's non-duty hours and the employee shall not wear any part of his/her official uniform.
- k. Employees shall not accept or issue bribes, gifts or gratuity, nor grant favors or solicit or accept favors, loans or gifts of any kind from inmates or their family or friends.
- l. Employees shall not provide any gifts or favors to inmates, their relatives, friends, representatives, or agents which might present a conflict or interest or give the appearance of a conflict of interest.
- m. Employees shall not convey messages to or from inmates nor to or from their families or friends, except in the line of official duty.
- n. Employees shall not engage in trading or trafficking with inmates. This includes selling, buying from, or delivery to any inmate any article or commodity of any description, except through authorized channels.
- o. Employees shall not give or loan an inmate money for any reason.
- p. Employees shall not introduce contraband into any facility. Contraband is defined as any article not officially issued, purchased from the canteen, or specifically authorized by the Deputy Director.
- q. Employees shall not bring articles of any kind into the institution for delivery to an inmate or take out an article of any kind for an inmate unless authorized to do so by the Director or Designee.
- r. Employees shall not aid and or abet an inmate in acts which disrupt the orderly operation of the facility.

- s. Employees shall not permit keys to be in the possession of an inmate unless the Warden has issued written authorization. These keys shall never be those designated as security key pursuant to PS 5320.1 *Key Control*.
- t. Employees shall not allow an inmate or group of inmates to exercise control over another inmate or group of inmates.
- u. Employees shall not make terrorist threats towards inmates or other employees.
- v. Employees shall refrain from discussing matters relating to the discipline of inmates or employees and/or the management of the facility in the presence of the inmate population.
- w. Employees having charge, control, or direction of inmates shall not be in any manner financially interested in the work or profit of the labor of any inmate, nor receive pay, gift, gratuity or favor from any person interested in such labor.
- x. DOC employees shall not employ inmates on work in which that employee or any other DOC employees has a personal interest nor be connected or have any interest in the business or shops belonging to the DOC.

## 9. **PERSONAL ACCOUNTABILITY**

- a. Whether on or off duty, employees shall conduct themselves in a manner so as not to discredit the DOC or the Government of the District of Columbia.
- b. Any employee who is arrested or issued a citation for a violation of the law, other than a minor traffic violation, will be subject to the following procedure and policies.
  - 1) The employee must immediately notify their supervisor of his/her alleged violation of law.
  - 2) If DOC believes the employee has been engaged in illegal activity, DOC may question the employee about the activity as it relates to the employee's performance of job duties.
  - 3) Refusal to answer questions of such illegal activity as it relates to the job may result in disciplinary action, to include dismissal.
  - 4) Any alleged illegal activity on the part of the employee will be considered to have an impact on his or her ability to perform as a correctional employee and may result in immediate suspension from the job pending further disposition.

- c. Employees who are approached by the media for an interview as a spokesperson on behalf of the DOC, shall notify the Chief, Office of Public Affairs (OPA), for appropriate review and authorization. No employee shall act as an official spokesperson for the DOC without the authorization of the Director through the Chief, OPA.
- d. If the interview is of a private matter, it should not take place during official duty hours, while the employee is in uniform or on DCDC property. In a private interview, reference to an employee's DCDC affiliation is prohibited if it is presented in a manner that would lead a person to reasonably believe that the employee's statements or opinion are not of a private nature but those representing the DCDC.
- e. Unless the Director so authorizes, employees who testify before a legislative committee, the courts, or any other administrative or judicial body, shall not purport to speak on behalf of DOC, shall not wear the DOC uniform, and shall not testify during the employee's tour of duty.
- f. Only an authorized employee shall disclose information pertaining to an inmate. Disclosure shall be in accordance with DOC rules for release of information.
- g. No employee shall wear the uniform of a correctional officer unless on duty or directly en route to or from the employee's work place.
- h. Employees shall not knowingly or deliberately withhold information concerning the violation of any DOC rules and regulations by inmates or other employees of DOC. If an employee has knowledge of another employee's violation of this code, other rules and regulations of DOC, rules and regulations contained in the District Personnel Manual, or city, state or federal laws, then the employee having such information shall promptly report it in full to his/her immediate supervisor. In the case of misconduct by the supervisor, the employee shall report the information to the next higher supervisor in his/her chain of command.
- i. Employees shall not bring personal weapons of any kind onto government property. No firearms, other weapons, illegal drugs, intoxicants or other contraband articles are to be left in employee vehicles parked on government property.
- j. Employees shall not leave unattended vehicles unlocked or leave ignition keys in personal or DOC vehicles while parked on government property.
- k. Employees shall not leave their assigned post without being properly relieved or authorized by a supervisor.
- l. Employees shall not misuse or convert government property to their own use or benefit.

- m. Employees shall report any incident which does or could lead to a major inmate or employee disruption in the work place.
- n. Employees shall obey all lawful orders from their superiors.
- o. Employees shall not sleep or be in an inattentive condition at their assigned duty station. Sleeping or being in an inattentive state at a post where the security of the institution, the inmate population, or other employees are at risk will be considered a major rule violation.
- p. Employees are personally responsible for the accuracy of their time sheets. They shall take the necessary steps to preclude incidents of tardiness and shall not abuse any form of leave granted them by the District of Columbia.
- q. Employees shall not enter into acts of discrimination or workplace harassment against other employees or inmates.
- r. Employees shall ensure that while operating a government vehicle, they obey all laws and only use the vehicle as authorized.
- s. Employees of this Department shall not consume alcoholic beverages prior to or while operating a government vehicle.
- t. Employees shall not transport alcoholic beverages or illegal drugs in a government vehicle.
- u. Employees shall not take prescription drugs which they know will impair their ability to drive before or while operating a government vehicle.
- v. Employees shall wear seat belts, shall not carry radar detectors and shall not wear headphones and shall not use personal cell phones when operating or riding in a government vehicle. DOC issued cell phones shall only be used with a hands free device while operating a government vehicle.
- w. Employees shall not manufacture, distribute, dispense, possess or use illegal drugs. Any employee violating this policy shall be subject to discipline up to and including termination and referral to the appropriate law enforcement agency for prosecution.

#### 10. **CONFLICTS OF INTEREST**

- a. No DOC official may appoint, employ, promote, advance or advocate for appointment, employment or promotion a person who is a relative as defined in Chapter 8, Section 803.6, of the District Personnel Manual.

b. Outside Employment or Private Business

- 1) Pursuant to PS 3040.5 *Outside Employment*, an employee shall make written request the Director's permission through his or her chain of command to engage in outside employment or private business.
- 2) DC Government employees are prohibited from engaging in outside employment or private business that:
  - a) Is prohibited by law, regulation or DOC standards;
  - b) Has any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial and objective performance of officially assigned duties and responsibilities;
  - c) That may interfere with the employee's ability to perform his or her job, or that may impair the efficient operation of DOC or DC government;
  - d) That may impair an employee's mental or physical capacity to such an extent that he or she can no longer carry out his or her duties and responsibilities as a DOC or DC government employee in a proper and efficient manner;
  - e) Is conducted during working hours unless the employee is on approved annual leave or leave without pay;
  - f) The information being used draws on official DOC or DC government data or ideas that has not become part of the body of public information unless the employee has received the DOC Director or other authorized DC government's written permission to use the information when its use is deemed in the public interest; and
  - g) The employee receives compensation or anything of monetary value for engaging in this activity, while using subject matter that is substantially devoted to the employee's official duties and responsibilities; DOC responsibilities, programs or operations or is information obtained from his or her government employment.

**11. FINANCIAL ACCOUNTABILITY**

- a. While in the discharge of his or her duties, an employee shall not take action or make a decision which will cause financial benefit for him/her, or a member of his/her immediate family, or business or properties in which he/she has an interest. If by error or omission the employee becomes aware of this rule after the fact, a written statement describing the conflict

of interest must be prepared by the employee and sent to the Office of the General Counsel and the Director.

- b. An employee shall not engage in outside employment or private business activity or have any direct or indirect financial interest that conflicts or would appear to conflict with the fair, impartial and objective performance of their official duties and responsibilities.
- c. A DOC employee shall not solicit or accept, either directly or through the intercession of others, any gift, gratuity, favor, loan, entertainment or other like thing of value intended to influence the actions, or judgment of the employee in the performance of their official duties. An employee shall not use his/her position or confidential information received through his/her position to obtain financial gain, other than compensation provided by law, for himself/herself, a member of his or her immediate family, or a business with which the employee is associated.

12. **POLITICAL ACTIVITIES.** The Hatch Act limits political activities of D.C. Government employees. As a result a DOC employee may not be a candidate for office in a partisan election; may not use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or directly or indirectly coerce or request contributions from subordinates in support of a political party or candidate.

  
Devon Brown  
Director



## DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

# Program Statement

OPI: DIR  
Number: 3310.4G  
Date: June 21, 2004  
Subject: Sexual Harassment  
Against Employees

1. **PURPOSE AND SCOPE.** To implement an Order of the United States District Court in Bessye Neal, et al v. Margaret Moore, Director, DC Department of Corrections, Civil Action No. 93-2420, dated June 28, 1999 and to implement procedures for reporting, filing, investigating, and adjudicating claims of sexual harassment and/or retaliation relating to sexual harassment within the District of Columbia Department of Corrections. This directive applies to employees, contract employees and volunteers under the direction or control of the DC Department of Corrections (DOC).
2. **POLICY.** It is the policy of the DC Department of Corrections to prohibit sexual harassment as well as retaliation for objecting to or reporting incidents of sexual harassment.
3. **NOTICE OF NONDISCRIMINATION.** In accordance with the DC Human Rights Act of 1977, as amended, DC Code section 2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. DOC employees will have a clear understanding of what constitutes sexual harassment and retaliation, what the penalties are for engaging in such conduct, and what the proper procedures are for reporting incidents of sexual harassment and related retaliation.
  - b. To explain the Office of the Special Inspector (OSI) which is responsible for promulgating policies and procedures regarding the intake, investigation and adjudication of complaints of sexual harassment and related retaliation as

well as establishing models and protocols for sexual harassment/retaliation training.

- c. DOC will take appropriate and prompt action in matters relating to sexual harassment as directed by the Special Inspector (SI).

## 5. **DIRECTIVES AFFECTED**

### a. **Directives Rescinded**

PS 3310.4F "Sexual Harassment Against Employees" (12/22/03)

- b. **Directives Referenced.** None

## 6. **AUTHORITY**

- a. Order of the United States District Court in Civil Action No. 93-2420, dated 6/28/99.
- b. 31 DCR 56, "Equal Employment Opportunity Rules Governing Complaints of Discrimination in the District of Columbia Government," dated 1/6/84.
- c. Mayor's Order 79-89, "Sexual Harassment", dated 5/24/79; and the Order of the United States District Court in Civil Action No. 77-1359.
- d. DC Human Rights Act of 1977, as amended, DC Code section 2.1401.01 et seq., (Act).

## 7. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA) 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies 2-CO-1C-11.
- b. American Correctional Association (ACA) 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities 4-ALDF-7E-01.

## 8. **DEFINITIONS.** For the purpose of this PS, the following definitions apply:

- a. **Adverse Employment Action** — Any negative change in the terms and conditions of an employee's employment. It can include such things as transfers, shift changes, negative performance evaluations, unwarranted discipline, harassment or denial of promotion or shift requests. It also can include the creation of a hostile work environment because the employee engaged in a legally protected activity related to a claim of sexual harassment.

- b. **Cease and Desist Order** — An order prohibiting unnecessary contact between the complainant and respondent while an allegation of harassment or retaliation is investigated. However, to ensure the continued efficient operation of the agency, it does not always prohibit interaction between the complainant and the respondent as may be required to carry out the employees' respective duties and responsibilities.
- c. **Complainant** – An employee who alleges he or she is the victim of sexual harassment and/or retaliation or who files a sexual harassment and/or retaliation complaint.
- d. **Disciplinary Action/Discipline** — Action taken against employees who have violated DOC policy, rules or regulations established by the District Personnel Manual (DPM), or any District of Columbia law or regulation.
- e. **Investigators** – Persons who are specially trained by the OSI to conduct inquiries into allegations of sexual harassment and retaliation, determine the facts associated with sexual harassment and/or retaliation complaints filed with the OSI, and make recommendations of probable cause and, if applicable, disciplinary action.
- f. **Ombudsperson** — A DOC employee or contractor who assists the OSI in monitoring DOC's sexual harassment policies and procedures.
- g. **Sexual Harassment Advisory Committee** — A committee established by the OSI to provide feedback and make recommendations to the Special Inspector about policies, procedures and systemic problems related to sexual harassment and/or retaliation at DOC. The Committee also serves as a resource for individual employees with questions or concerns about sexual harassment and retaliation.
- h. **Respondent** – The employee who is accused of sexual harassment and/or retaliation.
- i. **Retaliation** – For purposes of this Policy Statement, retaliation is defined as taking or threatening to take an adverse employment action against an employee because that employee has engaged in legally protected activity.
- j. **Legally Protected Activity** — Resisting, opposing or reporting sexual harassment, making oral or written complaints about sexual harassment, or testifying in, assisting in, or otherwise participating in the investigation of a sexual harassment complaint. Such activities are protected regardless of whether the conduct complained of is ultimately proven to have constituted sexual harassment.

k. **Sexual Harassment** – Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other conduct (verbal or physical) of a sexual nature when:

- 1) Submission to such conduct is made a term or condition of employment, either explicitly or implicitly;
- 2) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee;
- 3) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance; or
- 4) Such conduct creates an intimidating, hostile, or offensive working environment.

l. **Inappropriate Behavior** – The following list includes examples of sexual harassment. This list is not exhaustive, but is given to illustrate the range of conduct that must not be engaged in at work or during any work-related activities, including those that occur off-site. The list includes acts that are always sexual harassment, acts that may be sexual harassment under certain circumstances, or acts that may be inappropriate behavior for DOC employees even when not meeting the legal definition of sexual harassment.

m. **Verbal Behavior**

- 1) Making suggestive or sexual comments about another person's or one's own anatomy, figure, appearance, or clothing;
- 2) Making suggestive sounds, for example, kissing, sucking, groaning, howling or other simulated sex noises;
- 3) Asking personal questions about an employee's sex life, preferences, habits or sexual history;
- 4) Subjecting another employee to information about your own sex life; preferences, habits or sexual history;
- 5) Describing sexually explicit or pornographic acts, films, dreams, or fantasies;
- 6) Asking out a person who has made it clear that she or he is not interested;
- 7) Turning work discussions to sexual topics;
- 8) Telling sexual or sexist jokes;

- 9) Referring to employees or other persons in sexist or sexual terms; or
- 10) Repeatedly contacting an employee at home or initiating contact outside of the workplace about non-work related matters when the employee has made it clear that she or he has no interest in such contact.

n. **Non-Verbal or Physical Behavior**

- 1) Looking a person up and down, fixing eyes on sexual parts of anatomy;
- 2) Giving unwanted gifts, letters, notes;
- 3) Making suggestive facial gestures, such as winking, wagging the tongue, throwing kisses, licking lips;
- 4) Simulating sex acts;
- 5) Displaying sexually explicit or sexually suggestive pictures, images, or objects;
- 6) Transmitting sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate material in the office, via e-mail, or downloading such materials from the Internet;
- 7) Touching a person's body, hair or clothing;
- 8) Giving a person a massage around the neck or shoulders, hugging, kissing, patting, or stroking a person;
- 9) Touching or rubbing oneself sexually in view of another person;
- 10) Pulling another person's clothing off or up, or sticking a hand down another person's clothes, or undressing in front of or exposing oneself to another person;
- 11) Forcing another person to engage in activities such as dancing, drinking alcohol or coming to one's hotel room uninvited while on travel status; or
- 12) Putting sexually suggestive objects in a person's desk, locker or workspace.

9. **GENERAL PROHIBITION AGAINST SEXUAL HARASSMENT AND RETALIATION**

- a. Each DOC employee is prohibited from engaging in sexual harassment or inappropriate sexual conduct and is protected from retaliation for complaining

about or witnessing sexual harassment or conduct, as defined above, against another employee.

- b. Any employee who is found to have engaged in such conduct will be subject to discipline that, according to the severity of the offense, may include termination.
- c. Consistent with all applicable personnel laws and regulations regarding employee discipline, any corrective or adverse action against an employee for sexual harassment or retaliation will be placed in the employee's official personnel file, and will be considered a significant negative factor in DOC performance evaluations, promotion decisions and consideration for reemployment as set forth in DPM Chapter 8.

10. **OFFICE OF THE SPECIAL INSPECTOR.** The Office of the Special Inspector (OSI) was established on April 30, 2002. Carolyn Lerner is the Special Inspector (SI).

- a. **Independent Status of the OSI.** For three years after the office was established, the SI will operate independently of the DOC. The court may extend the independent status of the SI for one or two years.
- b. **Authority of the OSI.** Subject to applicable laws and regulations, the OSI has authority over all complaints of sexual harassment and/or retaliation related to such complaints. The SI has authority to determine what relief, if any, to provide to complainants and what disciplinary action, if any, to impose on respondents. The SI has the authority to hire contract investigators and trainers to work directly for the SI, as well as such other staff as may be necessary to carry out the responsibilities of the OSI.
- c. **Investigations and Findings.** OSI Investigators will investigate all complaints of sexual harassment and related retaliation and propose findings as to whether sexual harassment or retaliation has occurred. Investigators will forward their Investigative findings and recommendations to the SI who will either adopt or reject the investigators findings and recommendations.
- d. **Findings of No Probable Cause of Sexual Harassment and/or Retaliation**
  - 1) When the investigator recommends a finding of no probable cause, the investigator's Report and Recommendation ("Investigative Report") will be given to the SI. The SI may either remand the Investigative Report to the investigator for further investigation or revisions, or send a copy of the Investigative Report directly to the Complainant and Respondent at the addresses listed on their locator sheets. Receipt will be deemed effective within 3 days of mailing.

- 2) Responses to the Report of Investigation are not required. However, if they choose to submit a written response, Complainants and Respondents will each have 15 days from receipt of the Investigative Report to present any written submissions, or to request an extension of time.
- 3) The SI will review the Investigative Report along with any written submissions from a Complainant or Respondent. The SI will then either remand the Investigative Report to the investigator for further investigation or revisions, or issue findings as to whether sexual harassment and/or retaliation occurred.
- 4) If the SI determines that there is no probable cause to find that sexual harassment and/or retaliation occurred, a final decision dismissing the complaint will be issued. The SI's findings and determinations on probable cause will constitute the final decision of DOC.
- 5) If the SI determines that there is probable cause to find that sexual harassment and/or retaliation occurred, the SI will remand the Investigative Report to the investigator for proposed disciplinary action. The investigator will be the proposing official, as that term is used in DPM Chapter 16. The procedures explained below in Part "e". Findings of Probable Cause – Discipline and Relief will be followed.

**e. Findings of Probable Cause – Discipline and Relief**

- 1) When the investigator recommends a finding of probable cause, the investigator's Report and Recommendation ("Investigative Report") will be given to the SI. The SI may either remand the Investigative Report to the investigator for further investigation or revisions, or send a copy of the Investigative Report directly to the Complainant and Respondent at the addresses listed on their locator sheets. Receipt will be deemed effective within 3 days of mailing.
- 2) Responses to the Report of Investigation are not required. However, if they choose to submit a written response, Complainants and Respondents will each have 15 days from receipt of the Investigative Report to present any written submissions, or request an extension of time.
- 3) The SI will review the Investigative Report along with any written submissions from the Complainant and Respondent. The SI will then either remand the Investigative Report to the investigator for further investigation or revisions, or issue findings as to whether sexual harassment and/or retaliation occurred.

- 4) If the SI determines that there is probable cause to find that sexual harassment and/or retaliation occurred, the investigator will submit a request to process Corrective/Adverse Action to the Human Resources Management Division, DOC.
- 5) The investigator will be proposing official, as that term is used in DPM Chapter 16, and will have authority to propose disciplinary action against employees found to have engaged in sexual harassment and/or retaliation.
- 6) The proposed disciplinary action shall proceed under the terms of DPM Chapter 16 or under the terms of any collective bargaining agreement that may apply to the respondent. At-Will Employees, and all other employees for whom DPM Chapter 16 does not apply, will be subject to disciplinary action outside the provisions of DPM Chapter 16.
- 7) The SI's findings and determinations on probable cause, relief and discipline will constitute the final decision of DOC. Any challenge to the final decision shall proceed under either DPM Chapter 16 or the terms of any applicable collective bargaining agreement.
- 8) The SI will inform the Director or designee of the decision, and the Director or designee will immediately sign all necessary personnel related papers implementing the disciplinary ruling of the SI as the Deciding Official.
- 9) At-Will Employees, and all other employees for whom DPM Chapter 16 does not apply, will be subject to disciplinary action outside the provisions of DPM Chapter 16.

f. **Relief Awarded**

- 1) When the SI sustains an allegation of sexual harassment and/or retaliation, the SI may also order remedial action. In this regard, the SI may order any remedial action that the DOC Director may impose under the DC Human Rights Act.
- 2) The SI will advise the DOC Deputy Director as to the remedial measures to be taken, who will then be responsible for promptly implementing these measures.
- 3) The findings and decision of the SI constitute the final decision of the Director of DOC on the matter in question. The relief awarded to Complainant by the SI may include remedial personnel actions (including modifications of performance ratings) and back pay, but will not include compensatory damages, punitive damages, or attorneys' fees.

**g. Responsibility for Policies and Training**

- 1) The SI will develop and implement policies and procedures, consistent with federal and District of Columbia law, as necessary to carry out his/her responsibilities relating to claims of sexual harassment and/or retaliation.
- 2) The SI will design and make available training programs that new employees must attend promptly upon hire, and that current employees must attend at least annually. The SI and his/her staff will select trainers, training materials, schedule training sessions, and supervise all sexual harassment and retaliation training.
- 3) The SI, or the DOC Training Administrator working with the SI, will maintain records of employees who receive sexual harassment/retaliation training.

**11. SEXUAL HARASSMENT ADVISORY COMMITTEE AND HOTLINE**

**a. Advisory Committee**

- 1) The SI will establish an Advisory Committee on sexual harassment and related retaliation. The committee will meet at the SI's discretion to discuss issues brought to it by DOC employees or the SI, and to make recommendations to the SI about policies, procedures and systemic problems (not individual complaints) related to sexual harassment/retaliation at DOC.
- 2) The Advisory Committee will also provide feedback from employees to the SI regarding the effectiveness of training and other OSI programs. The SI will select members from among current DOC employees who respond to a general notice soliciting candidates, and will attempt to ensure that members represent employees from all levels and units of DOC.
- 3) The Advisory Committee members will also serve as a resource to all employees to discuss matters related to sexual harassment or related retaliation. The Advisory Committee members will keep all such communications confidential unless the employee authorizes otherwise.

**b. Hotline**

Employees may contact the Sexual Harassment of Employees hotline to report allegations of sexual harassment/retaliation or to receive information on procedures for pursuing a complaint. The hotline telephone number is (202) 448-2424.

12. **OMBUDSPERSON.** The SI will select either a DOC employee or contractor to serve as the Ombudsperson.
  - a. The Ombudsperson shall monitor agency compliance for the prevention of sexual harassment against employees and provide feedback to the SI on potential problem areas or actual problems that exist.
  - b. The Ombudsperson is available to employees on a confidential basis to hear concerns about possible sexual harassment or retaliation.
  - c. The Ombudsperson may also serve as a mediator for complaints.
  
13. **EMPLOYEE COUNSELING.** The SI will coordinate with the Employee Assistance Program (EAP), as well as outside providers when the SI deems necessary, to provide counseling support and referrals to individuals alleging sexual harassment and/or retaliation who request such assistance. Confidentiality regarding services provided will be maintained.
  
14. **PROCEDURES**
  - a. **Where to File a Complaint**
    - 1) Under the procedures established in this Program Statement, the SI has the authority and responsibility to receive, investigate and adjudicate internal complaints of sexual harassment and/or retaliation arising from complaints of sexual harassment.
    - 2) In addition, DOC employees retain their rights to file complaints about the same issue with the District of Columbia Office of Human Rights (OHR) and the United States Equal Employment Opportunity Commission (EEOC).
    - 3) All employees considering bringing an action outside the Department of Corrections are urged to consult legal counsel or the relevant agencies regarding his or her rights and any filing obligations. The OSI cannot and will not provide this information.
  
  - b. **Time Limits**
    - 1) An employee must initiate the complaint process with the OSI within one year of the incident or behavior being complained of, or in the case of ongoing or continuing behavior, within one year of the most recent incident.
    - 2) Employees may also have the right to file complaints outside the DOC

with the DC Office of Human Rights (see 31 DCR 56) or the U.S. Equal Employment Opportunity Commission within the time limits set by those agencies.

- c. **Combined Complaints of Sexual Harassment and other forms of discrimination or harassment.** The SI only has authority to investigate claims of sexual harassment and retaliation arising out of complaints of sexual harassment. If an employee has a complaint that includes other forms of discrimination or harassment, the employee must bring those complaints to other DOC offices. The SI is not required to provide guidance for complaints that do not fall within the scope of this Program Statement or within the jurisdiction of the SI.
- d. **Procedures For Complaints Submitted to the Office of Special Inspector**
  - 1) **Complaints:** The OSI will accept, investigate and adjudicate sexual harassment and related retaliation complaints that are submitted by current or former employees, provided they comply with the applicable time limits (see above). Complaints may be submitted in writing to:
    - a) Any DOC Supervisor/Office Chief/Administrator;
    - b) The DOC EEO Officer or EEO Counselor;
    - c) The DOC Deputy Director; or
    - d) The Special Inspector, either by calling the OSI Hotline at (202) 448-2424, or in writing to Carolyn Lerner, 1730 M Street, NW, Suite 412, Washington, DC 20036.
      - (1) Complaints not submitted directly to the SI will be immediately forwarded directly to the OSI without going through any chain of command.
      - (2) Any DOC supervisor who receives an oral complaint of sexual harassment and/or retaliation must instruct the employee to put the complaint in writing.
  - 2) Complaints may be submitted either by employees who believe they have experienced harassment and/or related retaliation, or by witnesses of such conduct.
  - 3) All current and former District of Columbia employees, and particularly DOC employees, are required to cooperate fully and promptly with requests by Investigators to provide interviews and other information.
  - 4) Failure of employees to attend interviews as scheduled by Investigators,

and to cooperate in OSI investigations, or failure of DOC supervisors to arrange for employee attendance, will subject the employee or supervisor to discipline. In addition, the SI may dismiss the complaint of any Complainant who does not cooperate with the investigation or who cannot be reached because they have not notified the DOC of their address or telephone number changes.

- 5) Administrative leave will be credited for time spent at interviews if the interview is not scheduled for a time on the employee's regular shift.
- 6) Complainants and their representatives will be permitted reasonable use of official time for preparation and presentation of the complaint or to attend meetings with the SI or the OSI Investigator and to attend hearings in this matter.
- 7) Each employee against whom an adverse action has been proposed will be entitled to a reasonable amount of official time to prepare his or her response, not to exceed ten (10) hours of administrative leave. Such preparation will not take place at the employee's duty station or any non-public area of a government office, unless authorized by the agency head.
- 8) **Temporary/Permanent Personnel Actions.** In his or her sole discretion, the SI may direct a DOC supervisor, Office Chief/ Administrator, Deputy Director or Director to make appropriate adjustments in working conditions of a Complainant (for example, shift, post or schedule changes) while an allegation of sexual harassment and/or retaliation is being investigated or on a permanent basis as remedial relief where the SI determines that there is probable cause that sexual harassment or retaliation has occurred.
- 9) **Mediation.** In appropriate situations as agreed to by the Complainant, Respondent and other interested parties, the OSI may recommend the use of an impartial mediator or the Ombudsperson to assist the parties in fashioning a mutually-agreeable resolution that will result in voluntary withdrawal of the complaint. Where a resolution is not possible through mediation, the Complainant may pursue a formal complaint. Where appropriate, and within the SI's sole discretion, the OSI may retain qualified mediators.
- 10) **Confidentiality.** The SI and members of the OSI (including the Ombudsperson, Advisory Committee, hotline employees, and Investigators) will keep all pre-complaint inquiries confidential, unless the employee making the inquiry expressly authorizes the OSI to disclose all or part of the matters discussed. Formal complaints, as well as all information gathered or generated in the investigation, will be kept

confidential, except that individuals with a “need to know” (such as the Complainant, Respondent, witnesses, and management officials involved in the matter) may receive access to complaints and information gathered in the investigation.

e. **What Employees Can Do if They Think They Have Experienced or Witnessed Sexual Harassment or Retaliation Related to Sexual Harassment**

- 1) To receive information about what action can be taken or simply discuss the situation: Call the OSI Hotline or contact the OSI directly to report the sexual harassment and/or retaliation you experience or observe.
- 2) Be sure to specify whether you are initiating a complaint or asking for information, and whether any portion of your conversation may be disclosed to others.
- 3) To file a complaint with the DOC Special Inspector, send it to Carolyn Lerner, 1730 M Street, NW, Suite 412, Washington, DC 20036. You may also give a complaint to one of the following, who will then forward it to the OSI. Be sure to specify that you are submitting a complaint of sexual harassment and/or retaliation and keep a copy of your complaint.
  - a) Your immediate supervisor;
  - b) DOC EEO Officer or EEO Counselor;
  - c) DOC Supervisor/Office Chief/Administrator; or
  - d) DOC Deputy Director.
- 4) Complainants may ask the SI to order interim personnel actions (temporary shift changes, post assignments) that serve to separate them from the Respondent(s) while the complaint is pending. The SI will order such actions in accordance with this Program Statement as deemed appropriate.

15. **RESPONSIBILITIES**

- a. **Special Inspector.** The SI will ensure that complaints of sexual harassment and retaliation for complaining about or witnessing sexual harassment are efficiently and accurately received, investigated and resolved as expediently as possible. At the conclusion of the investigation, the SI will issue findings as to whether there is probable cause to find that sexual harassment and/or retaliation has occurred, and, if so, order appropriate remedial action for

Complainants and discipline for Respondents. The SI will also be responsible for providing ongoing training on sexual harassment/retaliation for all DOC employees.

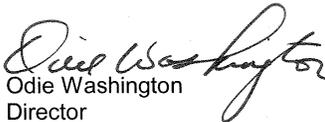
- b. **Managers and Supervisors.** All managers and supervisors are responsible for the following:
- 1) Ensuring that the policies regarding sexual harassment and retaliation are implemented.
  - 2) Promoting a workplace that is free of sexual harassment and retaliation, and ensuring that complaints of such conduct are promptly forwarded to the OSI in accordance with this Program Statement.
  - 3) Monitoring his/her workplace to ensure that incidents of sexual harassment and/or retaliation are detected promptly and that each employee is aware of DOC's sexual harassment/retaliation policy and complaint procedures.
  - 4) Ensuring that employees who file sexual harassment complaints are protected from retaliation.
  - 5) Maintaining, to the greatest extent possible, the confidentiality of those employees who lodge sexual harassment/retaliation complaints or report evidence of sexual harassment or retaliation.
  - 6) Complying with procedures for forwarding complaints, cooperating with investigations of allegations of sexual harassment/retaliation, and carrying out remedial and disciplinary orders of the OSI.
- c. **Employees.** Each DOC employee is responsible for the following:
- 1) Ensuring that his or her conduct is free from all forms of sexual harassment or retaliation.
  - 2) Refraining from using sexually offensive language, and from possessing sexually explicit or offensive materials (including literature, photographs, drawings), in the workplace.
  - 3) Refusing to tolerate or condone sexual harassment and/or retaliation by other employees.
  - 4) Cooperating with the OSI.

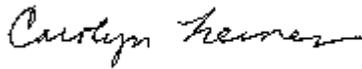
## 16. PENALTIES

- a. The SI will be responsible for ensuring that disciplinary action is taken against

persons found in violation of the agency's sexual harassment policy.

- b. Managers and supervisors who fail to report sexual harassment or fail to take appropriate action to resolve sexual harassment complaints will be subject to disciplinary action.
17. **DISSEMINATION.** The DOC will ensure that the poster explaining employee rights and procedures for filing complaints under this Program Statement is displayed permanently on all employee bulletin boards (Attachment B).
- a. Copies of this PS will be posted permanently on employee bulletin boards.
  - b. Directors and Office Chiefs/Administrators, as appropriate, will ensure that each employee under his/her authority is issued a personal copy of this PS. Receipt of this PS will be documented on the "Acknowledgement Form" (Attachment A).
  - c. Each new employee will receive a copy of this Program Statement.
18. **ANNUAL REVIEW AND CERTIFICATION.** This PS will be reviewed at least annually and revised, as necessary, by the SI.

  
Odie Washington  
Director



**ATTACHMENTS:**

Attachment A – "Acknowledgment Form"  
Attachment B – "Poster"



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

OPI: DIRECTOR  
Number: 3350.2E  
Date: February 21, 2007  
Supersedes: 3350.2D (7/10/02)  
Subject: Elimination of Sexual  
Abuse, Assault and  
Misconduct

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1. **PURPOSE AND SCOPE.** This directive establishes uniform procedures for recognizing, preventing, reporting, investigating and adjudicating incidents of sexual abuse, sexual assault and sexual misconduct against inmates who are confined in DC Department of Corrections (DOC) owned, operated and contract facilities. This directive complies with District of Columbia "Title 22. Criminal Offenses and Penalties Chapter 30. Sexual Abuse" and incorporates guidelines from the Rape Elimination Act (PREA) of 2003, American Correctional Association (ACA) Standards and current DOC zero tolerance policy against sexual abuse of in-mates.
2. **POLICY**
  - a. DOC strictly prohibits the sexual assault of any persons who work, visit or who are confined in any of its facilities.
  - b. DOC strictly prohibits sexual abuse of persons in the official custody of DOC and contract facilities. DC Code §22-3001 defines sexual abuse to include the commission of sexual acts and sexual contact.
  - c. For the purposes of this directive, acts of sexual misconduct against inmates shall be included.
  - d. DC law and DOC do not recognize a defense of consensual sexual contact between staff and inmates (i.e., persons who are in "official custody"). DOC shall continue to pursue strict administrative discipline and vigorous referral for criminal prosecution when staff engages in sexual assault/acts and sexual contact with inmates. Staff includes DOC employees, volunteers, contract personnel and any other persons who provide services in DOC facilities.
  - e. DOC maintains policy of zero tolerance and prohibits retaliation against any individual because of his/her involvement in the reporting or investigation of a complaint. It is DOC policy to treat retaliation as a separate actionable offense that is subject to separate administrative sanctions and possible referral for criminal prosecution.

- f. DOC strictly prohibits inmate-upon-inmate sexual assault, sexual abuse and inmate-to-inmate sexual acts and sexual contact to include that of a consensual nature. Inmate initiated sexual assault, sexual abuse shall be referred for criminal prosecution and DOC shall impose disciplinary sanctions when inmates engage in consensual sexual acts and/or sexual contact.
  - g. It is DOC policy to require that, all activities encompassed in reporting and investigating complaints are held in confidence and on an official need to know basis. Likewise, case records are confidential and may include but not be limited to verbal reports; written incident, investigation, disposition, medical, counseling and evaluation findings and recommendations for post-release treatment and/or counseling and witness statements. It is DOC policy to treat a breach(s) of confidentiality as a separately actionable offense that is subject to administrative sanctions.
3. **APPLICABILITY.** This policy applies to all DOC employees, contract employees, volunteers, as well as other individuals who provide services at a DOC facility and applies to inmates committed to DOC and its contract facilities.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
- a. Upon arrival at each facility, inmates shall receive information about sexual assault, sexual abuse and sexual misconduct. Information shall address the prevention, intervention, self-protection, reporting, adjudication procedures and the accessibility of medical and mental health counseling for victims.
  - b. Staff will have a clear understanding that a sexual act or sexual contact between an inmate and an employee is sexual abuse even if the inmate consents and that sexual abuse is a felony offense pursuant to DC Code §22-3002 through §22-3006.
  - c. The occurrence of inmate-upon-inmate sexual assault, sexual abuse and sexual contact may be reduced by identifying and providing separate housing for predators and vulnerable inmates who may be potential victims.
  - d. Prompt investigation and appropriate discipline shall be taken against employees and inmates who sexually abuse/assault inmates or otherwise violate mandates set forth in this directive.
5. **DIRECTIVES AFFECTED**
- a. **Directives Rescinded**
    - 1) PS 3350.2D Sexual Misconduct Against Inmates (7/10/02)
    - 2) CN-1 3350.2D Sexual Misconduct Against Inmates (10/18/02)

**b. Directives Referenced**

- 1) PS 4030.1E Inmate Grievance Procedure (IGP)
- 2) PS 4020.1C Inmate Orientation Program
- 3) PM 5300.1C Inmate Disciplinary and Administrative Housing Procedures
- 4) PS 6000.1C Medical Management

**6. AUTHORITY**

- a. 42 USCS § 15609 Title 42. The Public Health and Welfare Chapter 147. Rape Elimination
- b. D.C. Code Title 22. Criminal Offenses and Penalties, Chapter 30 Sexual Abuse §22-3001, §22-3013, §22-3014, §22-3017 and §22-3018.
- c. DC Code 24-442, Promulgation of Rules

**7. STANDARDS REFERENCED**

- a. American Correctional Association (ACA), 2<sup>nd</sup> Edition, Standards for Administration of Correctional Agencies: 2-CO-3C-01.
- b. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-2A-29, 4-ALDF-2A-30, 4-ALDF-2A-32, 4-ALDF-2A-34, 4-ALDF-4D-22, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4-ALDF-4D-22-3, 4-ALDF-4D-22-4, 4-ALDF-4D-22-5, 4-ALDF-4D-22-6, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8, 4-ALDF-7B-8 and 4-ALDF-7B-10.
- c. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Community Residential Services: 4-ACRS-6A-05.

**8. NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other

type of prohibited discrimination when making administrative decisions and in providing access to programs.

9. **SEXUAL ABUSE - GENERAL PROVISIONS.** For the purposes of this directive, the following provisions shall apply.
- a. Official Custody – Pursuant to DC Code §22-3001, detention following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following or pending civil commitment proceedings, or pending extradition, deportation, or exclusion and during transport, medical diagnosis or treatment, court appearance, work and recreation, probation or parole.
  - b. Sexual Assault – a forcible sexual act, a sexual act against the inmate's will, or a sexual act that is achieved through the exploitation of fear or the threat of physical violence or bodily injury; or
  - c. Sexual Abuse – a sexual act that is not forced or against the person's will but where the inmate is incapable of giving consent because of his/her young age, temporary or permanent mental or physical incapacity or by reason of being in the official custody of DOC.
  - d. Sexual Acts
    - 1) The penetration, however slight, of the anus or vulva or another by a penis;
    - 2) Contact between the mouth and penis, the mouth and the vulva or the mouth and the anus; or
    - 3) The penetration, however slight, of the anus or vulva by a hand or finger or by any object or instrument, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person. This does not include situations when:
      - a) Health care personnel are gathering physical evidence, or engaged in other legitimate medical treatment, in the course of investigating sexual assault, sexual abuse;
      - b) The use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to sexual assault, sexual abuse; or
      - c) The use of a health care provider's hands or fingers or the use of instruments to perform body cavity searches in order to maintain security and safety within the facility provided that the search is conducted in a manner consistent with constitutional requirements.

- e. Sexual Contact. The touching (or fondling), using any clothed or unclothed body part or object either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttock of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- f. Sexual Misconduct
  - 1) Sexual Harassment
    - a) Verbal or physical sexual conduct that creates a hostile, offensive or intimidating environment, including, but not limited to, obscene or sexually offensive advances, gestures, and comments; or influencing or making promises involving an inmate's safety, custody, privacy, housing, privileges, work detail or program status in exchange for sexual favors.
    - b) Influencing or offering to favorably influence an inmate's safety, custody, privacy, housing, privileges, work detail, or program status if the inmate submits to sexual advances or sexual contact.
    - c) Influencing or threatening an inmate's safety, custody, privacy, housing, privileges, work detail, or program status because the inmate has refused to submit to a sexual advance.
  - 2) Invasion of Privacy
    - a) Observing, attempting to observe, or interfering in an inmate's activities, which are of a personal nature, without a sound penological reason.
    - b) Failure of an employee of the opposite sex to announce his/her presence, without a sound penological reason, when entering an inmate's housing unit.
- g. Retaliation - Restraint, interference, coercion, acts of covert or overt vengeance or threats of action to discourage, prevent or punish an inmate for refusal to submit to sexual advances. An adverse action taken against any individual because of his/her involvement in the reporting or investigation of a sexual abuse/sexual assault or sexual misconduct complaint.

## 10. GENERAL REQUIREMENTS

### a. Staff Notification and Training

- 1) The Human Resources Management Division (HRMD) shall issue a copy of this directive to all new employees, volunteers and contract employees when they receive their photo identification card. HRMD shall require each individual to sign acknowledgement of receipt of this directive. HRMD shall retain the signed receipt.

- 2) The DOC Training Academy and contractor trainers shall update trainer lesson plans and review requirements of this directive with new employees, volunteers and contract employees during orientation training.
- 3) Mandatory Pre-Service and annual In-Service Training on the Rape Elimination Act, DC Code Title 22 Chapter 30 and this directive shall be conducted for all DOC employees, volunteers, interns, and contract employees.
- 4) This directive shall be made readily available to each DOC employee thereafter.
- 5) Certified trainers for prevention of sexual assault, sexual abuse and sexual misconduct shall conduct training.
- 6) Contractors shall ensure that their employees are similarly trained.
- 7) DOC or contract facility shall notify other individuals such as occasional service providers who have direct contact with inmates or provide services of the prohibitions and requirements of this directive.

**b. Inmate Notification and Training**

- 1) The CDF Warden and contractors shall ensure that within one (1) day of arrival at the respective facility each inmate receives a copy of the Inmate Handbook. The Inmate Handbook shall contain written notice of the prohibition of sexual assault, sexual abuse and sexual misconduct.
- 2) Within five (5) days of arrival, the CDF Warden and contract facility Administrators shall ensure that each inmate receives facility orientation and training in accordance with PS 4020.1C Inmate Orientation Program.
  - a) Orientation and training shall address prevention, intervention, self-protection, reporting sexual assault, sexual abuse, adjudication procedures and accessibility of medical and mental health counseling for victims.
  - b) Each inmate shall by signature, acknowledge training in accordance with this directive and PS 4020.1C.
- 3) The Hotline Number Poster (Attachment A) shall be posted in areas accessible to inmates and employees.
- 4) This directive shall be posted on staff and inmate bulletin boards, in each housing unit, the law library, the medical unit and other areas where inmates often frequent.

## 11. IDENTIFICATION OF VULNERABLE INMATES AND PREDATORS

### a. Medical and Mental Health

- 1) Upon admission to the Central Detention Facility, medical and mental health staff shall, during medical and mental health screening ask the inmate questions that may determine whether the individual has been a victim of or has committed sexual violence in the past.
- 2) Medical and mental health staff shall be observant for other possible indications or any other information that is contained in the medical record or that is obtained from the inmate that might identify potential sexual vulnerabilities or aggressions.
- 3) Medical staff shall document these concerns in the electronic medical chart and promptly notify security and classification staff for appropriate inmate housing and other security safeguards.

### b. Classification

- 1) DOC case managers shall during the intake classification process review the inmate's institutional file and all available electronic records to identify past history as well as any currently observed behavior that may indicate potential sexual vulnerabilities or aggressions.
- 2) Case managers shall document the information and observation and make appropriate classification and housing recommendations.
- 3) Prior to housing an inmate identified either as a vulnerable inmate or a predator with another inmate, the proposed housing assignment shall be reviewed and approved by the Warden, CCC Director or designee.

- c. Other. All staff shall confidentially report information about an inmate's past victimization or information that an inmate might potentially be victim to recent sexual aggression to the Warden or a Deputy Warden.

## 12. HOUSING INMATES IDENTIFIED AS VULNERABLE INMATES OR PREDATORS. An inmate identified as a vulnerable inmate shall not be housed with an inmate identified as a predator. For the purposes of this directive predators are defined as inmates who have a history of sexually assaultive behavior and who are assessed as presenting a reasonable risk to vulnerable inmates.

## 13. REPORTING PROCEDURES FOR INMATES

- a. **Confidential Hot Line.** Any inmate may make a confidential report of sexual assault, sexual abuse or sexual misconduct through the twenty-four (24) hour telephone Hotline at (202) 671-2851.

- b. **Verbal Complaint.** An inmate may verbally inform any employee when the inmate has been subject to acts or attempted acts of sexual assault, sexual abuse or sexual misconduct. The verbal report is formal notification and the employee shall proceed as directed in Sections 14 and 15 of this directive and shall not require the inmate to submit a written report.
  - c. **Written Complaint**
    - 1) An inmate may file a written complaint of sexual assault, sexual abuse or sexual misconduct directly to the Warden, CCC Director or Office Chief.
    - 2) An inmate may file a written complaint of sexual misconduct (usually about sexual harassment or invasion of privacy) through the inmate grievance system, as described in PS 4030.1E, Inmate Grievance Procedure (IGP).
  - d. **Emergency Grievance.** The inmate may file the complaint directly with the Director as an “Emergency Grievance” in accordance with the emergency provisions outlined in PS 4030.1E “Inmate Grievance Program”.
14. **REPORTING PROCEDURES FOR STAFF.** Any employee who receives any information, from any source, concerning sexual assault, sexual abuse or sexual misconduct or who observes an incident of sexual assault, sexual abuse or sexual misconduct shall adhere to the following:
- a. **Verbal Notification.** Immediately report the information or incident directly to the Warden, CCC Director, Office Chief or the highest ranking official on duty at the time of the incident. Any allegation of sexual activity as defined in this directive shall be reported as a possible sexual assault, sexual abuse or sexual misconduct. The employee shall not conduct any inquiry or investigation into the circumstances related to the allegation.
  - b. **Written Notification.** Submit a written report providing any information received or observed that concerns sexual assault, sexual abuse or sexual misconduct to the Warden, CCC Director, Office Chief or the highest ranking official on duty before the end of his/her workday.
  - c. **Confidentiality.** Employees shall not discuss any aspect of the complaint with other employees or inmates except in accordance with this directive. Strict confidentiality shall be maintained to the extent possible at all times.
15. **MANAGERS AND SUPERVISORS.** Upon receipt of a sexual assault, sexual abuse or sexual misconduct complaint or observing an incident of sexual assault, sexual abuse or sexual misconduct, the Warden, CCC Director, Office Chief or the highest ranking official on duty shall:
- a. **Verbal Notification.** Make immediate verbal notification to the Office of Internal Affairs (OIA). Any allegation of sexual activity as defined in this

directive shall be reported as a possible sexual assault, sexual abuse or sexual misconduct. The manager/supervisor shall not conduct any inquiry or investigation into the circumstances related to the allegation, except for the OIA staff.

The OIA shall immediately notify the Director when deemed appropriate.

- b. **Written Notification.** Forward the original written sexual assault, sexual abuse or sexual misconduct report to OIA by the end of his/her workday.
- c. **Cease and Desist Orders.** Immediately issue cease and desist orders that prohibits contact between the alleged victim and the respondent (if the respondent is an employee) while the matter is being investigated.
- d. If the respondent is not on duty at the time of the allegation, the manager/supervisor shall ensure the order is issued to the respondent immediately upon return to duty.
- e. **Separation Orders.** Immediately issue separation orders between the alleged victim and alleged assailant in inmate-on-inmate sexual assault, sexual abuse complaints.
- f. **Housing**
  - 1) Effort shall be made to minimize any disturbance to the alleged victim's housing location or program activities during the investigation of the complaint.
  - 2) The alleged victim shall only be placed in protective custody or administrative segregation in accordance with PM 5300.1C, "Inmate Disciplinary and Administrative Housing Procedures".
  - 3) The alleged assailant shall be placed in administrative segregation status, unless to do so may jeopardize the investigation. A housing hearing shall be conducted in accordance with PM 5300.1C.
- g. **Sexual assault, sexual abuse.** In addition to the aforementioned responsibilities, the Warden, CCC Director, Office Chief or the highest ranking staff member on duty at the time of a reported or observed incident of sexual abuse/ assault shall:
  - 1) Immediately notify the appropriate law enforcement authority and OIA.
  - 2) The on-scene supervisor shall immediately secure the crime scene and ensure it is protected.
  - 3) Ensure the alleged victim is afforded emergency medical treatment.

16. **MEDICAL TREATMENT.** Medical staff shall ensure the alleged victim is immediately given the necessary emergency medical treatment, without compromising the integrity of available physical evidence.

a. Medical staff shall:

- 1) Obtain and record a description of the sexual assault, sexual abuse in the alleged victim's own words. The victim will not receive a physical examination.
- 2) Instruct the alleged victim not to bathe, shower or have a bowel movement until seen at the referring hospital.
- 3) Notify the highest ranking staff immediately if the correctional staff is not aware of the incident.
- 4) Record the general appearance (presence or absence of cuts, scratches, bruises, etc.), demeanor of the victim and the condition of clothes, i.e., torn or stained.
- 5) Refer the victim to an outside emergency room (ER) certified to treat sexual assault, sexual abuse victims for evaluation and immediate treatment.
- 6) Notify the ER physician that a sexual assault, sexual abuse victim is on his/her way to the ER.

b. Upon return from the ER or hospital discharge, the medical staff shall:

- 1) Thoroughly review the discharge instructions and carry out orders as appropriate;
- 2) Validate if measures have been taken to prevent sexually transmitted diseases, HIV and Hepatitis. If preventive measures have not been taken, preventive measures shall be offered; and
- 3) Refer the inmate to the mental health staff for rape counseling immediately.

17. **MENTAL HEALTH REFERRAL.** Upon return from the ER or hospital discharge, the medical staff shall ensure the alleged victim and alleged assailant are referred to the mental health staff to assess the need for counseling and supportive services.

18. **OFFICE OF INTERNAL AFFAIRS (OIA)**

a. **Screening Complaints**

- 1) OIA shall monitor the confidential Hotline for complaints of sexual assault, sexual abuse and sexual misconduct.

- 2) If OIA receives an allegation of sexual assault, sexual abuse or sexual misconduct via the telephone Hotline or via direct correspondence, the complaint shall be verbally reported immediately to the Warden, CCC Director or Office Chief. OIA shall provide follow-up written notification to the Warden, CCC Director or Office Chief by the close of the business day.
- 3) OIA shall notify local law enforcement in case of sexual assault, sexual abuse if the complaint is received directly by OIA.
- 4) OIA shall communicate with the appropriate law enforcement agency concerning the status of any investigation. OIA must document the status of the police investigation every thirty (30) days.
- 5) The occurrence of a police investigation does not relieve DOC of the duty to investigate complaints of sexual assault, sexual abuse.
- 6) OIA shall review each report of sexual assault, sexual abuse and sexual misconduct to determine whether the alleged conduct constitutes sexual assault, sexual abuse or sexual misconduct. OIA may interview the complainant and/or alleged victim to clarify facts concerning the complaint.
- 7) OIA shall notify the Warden, CCC Director or Office Chief, verbally and in writing, of each complaint regarding sexual assault, sexual abuse and sexual misconduct and whether the complaint is referred for investigation.
- 8) If the complaint is referred for investigation, OIA shall provide written notification to the respondent or the alleged assailant advising of the complaint, investigation procedures, confidentiality requirements and the prohibition of communication, intimidation or retaliation against the inmate.
- 9) The OIA Supervisor shall then forward the complaint to an Investigator. In cases where an interview was conducted with the complaint and/or alleged victim to clarify facts, intake information shall also be forwarded to the Investigator.
- 10) If OIA determines that the complaint does not involve sexual assault, sexual abuse or sexual misconduct, OIA shall deny the claim and shall send a notice of the rejection of the complaint to the complainant, the Warden, CCC Director or Office Chief.
- 11) However, if the complaint does state a violation of another departmental policy, OIA may conduct an investigation or refer the complaint to the appropriate Warden, Administrator or Office for disposition.

- 12) If the complaint is a third party informant, the notice will be sent to the victim.

**b. Interim Procedures During Investigation**

- 1) Under appropriate circumstances and with the Director's or his/her designee's approval, the respondent may be placed on administrative leave pending the outcome of an investigation.
- 2) To the extent possible, the respondent shall not be assigned to work in any area where he/she is likely to come into contact with the alleged complainant pending the outcome of the investigation.
- 3) During the investigation, the respondent shall be prohibited from making contact with the alleged complainant other than as allowable in the performance of official duties and assignment.
- 4) The Warden, CCC Director or designee shall decide if it is appropriate to return an employee to his/her original workplace after the investigation is completed.
- 5) When appropriate and necessary, the Warden may transfer the complainant or alleged victim to a comparable housing unit, to another facility or make other appropriate housing accommodations.

**c. Investigations**

- 1) The Corrections Corporation of America shall ensure that investigators conduct a thorough and objective investigations for incidents that are alleged at the Correctional Treatment Facility.
- 2) DOC investigators shall conduct a thorough and objective investigation of a complaint.
- 3) The investigation shall include interviewing the complainant, informant, alleged victim (if the information is received from another source), the respondent or alleged assailant and witnesses and review all documents and physical evidence.
- 4) The Investigator shall contact the CDF Major, CCC Director or Office Chief directly for interview scheduling and coordination. All inmates shall receive advance notice of scheduled interview and be advised of the right to legal representation. The Warden or CCC Director shall ensure that the inmate is allowed a legal call upon request to secure presence of counsel.
- 5) Employees have the right to legal or union representation at the time of interview.
- 6) If the inmate or employee being interviewed has legal or union representation, the Investigator shall explain that only the person being

interviewed shall answer the questions but he/she may consult with the representative prior to answering the question.

- 7) The Investigator shall advise each individual interviewed in the course of investigation that any intimidation or retaliation towards the complainant or alleged victim or disclosure of the incident that breaches confidentiality as defined in this directive, is a separate offense that is subject to disciplinary action.
- 8) The Investigator shall draft a statement detailing the testimony of the complainant, respondent or alleged assailant and witness(es).
- 9) The Investigator shall permit the employee or inmate to read and make necessary corrections/changes to the statement prior to signing it. The name of the confidential informant shall be deleted from the copies of the report distributed by the OIA.
- 10) The Investigator shall submit the final written report to the OIA Supervisor within ninety (90) business days (i.e., excluding Saturdays, Sundays, and legal holidays) of knowledge of the incident. The report shall include the Investigator's factual findings and a conclusion as to whether there is evidence to support a finding that sexual assault, sexual abuse or sexual misconduct has occurred.

d. **Post-Investigation Procedures**

- 1) OIA shall notify the Warden, CCC Director or Office Chief of the finding and forward all documentation for appropriate action. If the findings conclude that sexual assault, sexual abuse or sexual misconduct has occurred, OIA shall forward a copy of the report to the Director for action.
- 2) In cases involving an employee respondent, the Director shall ensure that appropriate action consistent with the District Personnel Manual or the D.C. Code.
- 3) In cases involving an inmate assailant, the Director shall ensure that appropriate disciplinary or criminal action is initiated.
- 4) OIA shall provide a written notice to the victim and respondent or alleged assailant as to whether there was evidence that supported a conclusion that sexual assault, sexual abuse or sexual misconduct occurred. The notice shall also inform the inmate of appeal procedures. The inmate shall sign acknowledgement of receipt of this notice. The original signed receipt shall be returned to the OIA.
- 5) In cases where the complaint was made by an individual other than the alleged victim, the third party informant/witness shall not be notified of the findings. The alleged victim shall, however, receive notification of the findings.

## 19. INMATE APPEALS

- a. An inmate at the CDF, CCA/CTF or a CCC who is dissatisfied with the investigation or resolution of a complaint of sexual assault, sexual abuse or sexual misconduct, or his/her attorney may file an appeal to the Director within fifteen (15) calendar days of receiving written notice of the outcome of the investigation.
- b. An inmate or his/her attorney may submit a FOIA request to the DOC FOIA Officer to review the investigation report.
- c. The FOIA Officer shall review and redact the report to remove confidential information, including, but not limited to, the identity of confidential informants, medical information, personnel record information or information which will compromise security issues. A redacted and non-redacted version of the report shall be maintained in the OIA's files.
- d. The Director shall notify the inmate and the Warden, CCC Director or Office Chief in writing of the results of the appeal with ten (10) calendar days.
- e. The Director's Office shall forward a copy of all documents relevant to the appeal to the OIA.
- f. If new evidence is received in the appeal or the Director presents other compelling evidence that supports disciplinary action against the employee, the Director's appeal decision shall be immediately forwarded to the Warden, Administrator or Office Chief for appropriate action.
- g. The Warden, Administrator or Office Chief shall ensure that the inmate victim and the respondent or alleged assailant receives the Director's findings on the appeal.
- h. An appeal shall not delay the implementation of any determined disciplinary action against an employee.
- i. The Warden, CCC Director or Office Chief shall ensure that the Proposing Official receives a copy of the Director's findings of the appeal if disciplinary action is proposed.

## 20. CONFIDENTIALITY

- a. Sexual assault, sexual abuse and sexual misconduct complaints, including the identity of the informant, the respondent or alleged assailant, the alleged victim all information and documents pertinent to the complaint, shall be handled in a confidential manner and shall only be released consistent with the provisions of the Freedom of Information Act (FOIA).

- b. Any inmate who observes and reports an act of sexual assault, sexual abuse or sexual misconduct may request and be treated as a confidential informant.
- c. To further maintain confidentiality, written notification of the investigation shall be prepared by OIA and issued to employees by the appropriate manager or supervisor. Inmate notification shall be handled as legal mail.
- d. Each individual interviewed shall be advised that he/she is required to maintain confidentiality and not disclose to anyone information regarding the complaint, the investigation and the outcome. Staff shall also be advised that the failure to maintain confidentiality shall constitute as a separate offense subject to disciplinary action.

## 21. **EMPLOYEE DISCIPLINE**

- a. In cases where there is a finding of probable cause for sexual assault, sexual abuse, sexual misconduct, breach of confidentiality or retaliation against staff and/or an inmate, the appropriate manager or supervisor shall ensure that disciplinary action is proposed in accordance with the regulations outlined in Chapter 16 of the District Personnel Manual. Guidelines for imposition of penalties based upon violation of this directive and DPM Chapter 16 are outlined in Attachment B.
- b. The manager or supervisor shall inform OIA in writing of disciplinary action taken against the employee. He/she shall also advise the OIA in writing of actions taken pursuant to other recommendations resulting from the investigation.
- c. The Hearing Officer shall notify the OIA Supervisor of any disciplinary action taken resulting from a finding of probable cause for sexual assault, sexual abuse, sexual misconduct and/or other violations of this policy or other departmental policies.
- d. Managers and supervisors who fail to report or take appropriate action when sexual assault, sexual abuse or sexual misconduct against inmates are alleged or have been brought to their attention, or who fail to allow a direct order to initiate disciplinary action, shall also be subject to disciplinary action.
- e. Refusal by any employee to answer questions during an official investigation may also be grounds to charge the employee for cause under Chapter 16 of the DPM.
- f. DOC shall impose discipline based on a determination of probable cause that sexual assault, sexual abuse and sexual misconduct has occurred. However, this does not preclude the DOC from taking separate and distinct disciplinary measures against an employee who has later, under separate proceedings, been found in violation of Chapter 16 of the DPM as a result of

a finding by the Office of Employee of Appeals, the Office of Human Rights, the Commission of Human Rights, or a court of competent jurisdiction in the District of Columbia that the employee has violated the guaranties in DC Code Title I, Chapter 6, Subchapters I, Chapter 6, Subchapters I and VII, in the performance of that employee's official duties.

- g. DOC shall notify the agency of any employee not assigned to DOC of a probable cause finding so that appropriate disciplinary action may be initiated.

## **22. INMATE DISCIPLINE**

- a. Inmates who engage in the sexual assault, sexual abuse of another individual shall be referred for criminal prosecution. In addition, DOC shall take appropriate interim administrative actions to ensure that the predator is segregated housing for the safety of others.
- b. Inmates who engage in sexual contact with another inmate shall be disciplined in accordance with PM 5300.1C.
- c. An inmate reporting a complaint of sexual assault, sexual abuse or sexual misconduct may be referred for disciplinary action in accordance with PM 5300.1C if the investigation concludes that the inmate knowingly and deliberately made a false report.

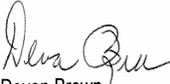
## **23. MONTHLY REPORTS**

- a. The OIA Supervisor shall maintain statistics and prepare a monthly report that shall include the following basic information regarding sexual assault, sexual abuse and sexual misconduct complaints:
  - 1) The number of alleged sexual assault, sexual abuse complaints filed against staff;
  - 2) The number of alleged sexual assault, sexual abuse complaints filed against inmates;
  - 3) The number of confirmed sexual assault, sexual abuses committed by staff;
  - 4) The number of confirmed sexual assault, sexual abuses committed by an inmate;
  - 5) The number of alleged incidents of sexual misconduct;
  - 6) The number of confirmed incidents of sexual misconduct;
  - 7) Discipline and/or other administrative actions taken against employees;

- 8) Discipline and/or other administrative actions taken against inmates;  
and
- 9) Referrals for criminal indictments for sexual assault, sexual abuse and sexual misconduct.
- 10) The number of Indictments for sexual assault, sexual abuse.

#### 24. **RECORDKEEPING**

- b. The OIA Supervisor shall maintain a central filing and reporting system for incidents of sexual assault, sexual abuse and sexual misconduct.
- c. A copy of all complaints and related documentation including, but not limited to, investigative reports, correspondence, appeals and appeal findings, correspondence from attorneys and inmate or employee disciplinary action that were sent to or received from either the Director, Deputy Director, CCC Director or Office Chiefs shall be forwarded to the OIA.
- d. The OIA Supervisor shall log pertinent data from these documents for tracking and management purposes.

  
Devon Brown  
Director

#### Attachments:

Attachment A            Inmate Hotline Notice re: Sexual Assault and Sexual abuse  
Attachment B            Employee Discipline – Guidelines for a Table of Penalties



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Manual

OPI: DIR  
Number: 3360.2C  
Date: August 1, 2004  
Subject: Employee Attire

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1. **PURPOSE AND SCOPE.** To provide a consistent standard of attire for all uniformed and non-uniformed employees within the DC Department of Corrections (DOC).
2. **POLICY.** All DOC employees shall present a professional appearance in dress and grooming that is appropriate for the workstation and job function.
3. **APPLICABILITY.** This directive applies to all DOC employees, contract employees, volunteers and other individuals who perform services in the DOC.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Individuals who perform work in DOC shall adhere to established DOC standards regarding work attire.
  - b. Supervisors at all levels are responsible for ensuring day-to-day compliance with this Program Statement.
5. **NOTICE OF NON-DISCRIMINATION.** In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (act) the District of Columbia does not discriminate on the basis of race, religion, color, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment in the form of sex discrimination is also prohibited by the act. Discrimination in violation of the act will not be tolerated. Violators will be subject to disciplinary action.
6. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded**

DO 3360.2B	Employee Appearance and Attire (4/14/94)
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  - a. **Directives Referenced**
    - 1) DO 3360.5 Uniform and Insignia (7/15/83)
    - 2) DO 3360.6 Employee Uniform Clothing Issue and Replacement (9/18/92)
    - 3) PS 3370.1A Employee Identification Card (3/9/01)

7. **AUTHORITY**

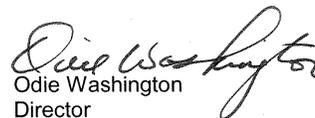
- a. D.C. Code § 24-211.02 Powers; Promulgation of Rules (Formerly §24-442)
- b. Collective Bargaining Agreement between the DC Department of Corrections and the Fraternal Order of Police, Department of Corrections Labor Committee, effective 12/19/02 through 9/30/2005.

8. **STANDARDS REFERENCED.** None.

9. **POLICY IMPLEMENTATION**

- a. Supervisory staff and managers shall ensure that all employees under their purview are issued and sign for a copy of the DOC employee attire policy.
- b. Supervisory staff and managers shall ensure that the original receipt acknowledgement shall be forwarded to the Human Resource Management Division (HRMD) where it shall be filed. Copies may be maintained in facility files.
- c. Supervisors shall also send by certified mail a copy of this policy to any employee in a leave status at the time of the issuance of this policy.
- d. The Human Resource Management Division shall ensure that all newly hired employees, contract employees and volunteers are issued and sign for a copy of the DOC employee attire policy, prior to the receipt of their departmental issued identification badges.
- e. The Deputy Director and the Warden shall ensure that this Program Statement is posted at all entrances and exits, employee bulletin boards, and staff/service delivery entrances.

10. **TRAINING.** The Training Administrator shall ensure that a statement regarding the significance of the newly hired employee's adherence to the DOC employee attire policy is incorporated into the orientation-training module.

  
Odie Washington  
Director

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## CHAPTER 1

### GENERAL

1. **DEFINITIONS.** For the purpose of this Program Statement, the following definitions apply:
  - a. **Non-uniformed Employees.** Employees who are not issued uniforms nor required to wear uniforms while in the performance of their duties.
  - b. **Uniformed Employees.** Employees who are issued uniforms and required to wear these uniforms while in the performance of their duties.
  - c. **Official Duty Uniform**
    - 1) **Correctional Officer Uniform** -The correctional officer's uniform, complete with badge, patch, insignia and accessories described in the Collective Bargaining Agreement, Article 16 and D.O. 3360.5, "Uniform and Insignia", (7/15/84).
    - 2) **Utility Uniform** - The khaki uniform issued to wage employees and other employees assigned to jobs requiring these uniforms described in the Collective Bargaining Agreement, Article 16 and D.O. 3360.5, "Uniform and Insignia", (7/15/84).
2. **RESPONSIBILITIES**
  - a. **Deputy Director.** The Deputy Director shall ensure that:
    - 1) Sufficient funds are budgeted annually for purchase of uniform items listed in the Collective Bargaining Agreement.
    - 2) An adequate supply of all required uniform items is maintained and available for issue at all times.
  - b. **Warden/Administrators/Office Chiefs/Supervisors.** The Warden, Administrators, Office Chiefs and Supervisors shall ensure that:
    - 1) Roll call inspections of correctional officers for adherence to the requirements of this policy are conducted.
    - 2) Non-uniformed staff are monitored for adherence to the requirements of this policy.
    - 3) Appropriate corrective action is taken when employees fail to adhere to the requirements of this directive.

### 3. PROCEDURES

#### a. Staff Entrance

- 1) When an employee is wearing attire that is significantly in non-compliance with this directive, they shall not be allowed admittance into the facility.
- 2) The Staff Entrance OIC shall in this instance contact both the employee's immediate supervisor or designee and the Shift Commander for assistance.
- 3) The employee's immediate supervisor shall make the final decision regarding the appropriateness of questionable attire in accordance with this directive.
- 4) The highest ranking official on duty shall make the final decision on the weekends and holidays.
- 5) If the supervisor or highest ranking official on duty determines that the attire is in violation of this directive, the employee shall be required to leave the work site at his/her own expense and on their own time to change clothing.

#### b. Non-Institutional Personnel

- 1) The employee's immediate supervisor shall make the decision regarding the appropriateness of questionable attire in accordance with this directive.
- 2) If the supervisor determines that the attire is in violation of this directive, the employee shall be required to leave the work site at his/her own expense and on his or her own time to change clothing.

#### c. Correctional Officers. Correctional Officers shall:

- 1) Wear the approved duty uniform while performing official duties;
- 2) Not wear the uniform when off duty except when traveling to and from work;  
and
- 3) Maintain security and accountability of uniforms, badges, patches, insignia and other controlled/sensitive items.

#### d. All Employees. All DOC employees shall adhere to the requirements of this directive and project a professional image while on duty.

### 4. REQUIREMENTS FOR ALL EMPLOYEES

- a. **Personal Hygiene.** Each employee's style or manner of dress or personal grooming shall not present a danger to the health, welfare, or safety of any individual.

**b. Nametags or ID**

- 1) Uniformed employees shall wear nametags in compliance with this directive.
- 2) All employees shall prominently display their Department ID card at all times when on duty.

**c. Prohibited Clothing.** All staff are prohibited from wearing:

- 1) Clothing that is excessively worn, damaged or stained, including deliberate damage.
- 2) Clothing that displays offensive or obscene material; material expressing or advocating a political opinion or cause; clothing that advertises a specific product, business or service; or sports team apparel, for example, football or basketball game jerseys.
- 3) Sweatshirts, sweatpants, or other athletic clothing unless required by position description, i.e., Recreation Specialist.
- 4) T-shirts worn, as outer garments shall not be permitted unless approved by the Warden, Administrator or Office Chief.
- 5) Form-fitting or clinging clothing of any type, i.e., Spandex/Lycra outfits, latex leggings and body stockings.
- 6) Shorts.
- 7) Sheer and see-through clothing.
- 8) Necklines that plunge or are revealing either in front or back.
- 9) Midriff tops that expose the torso, between the abdomen and the chest.
- 10) Sleeveless tops that expose underclothing.
- 11) Tank, halter, or tube tops.
- 12) Off the shoulder sweaters, blouses, or tops.
- 13) Dresses or tops with spaghetti straps.
- 14) Backless and strapless dresses.
- 15) Skirts shorter than three (3) inches above the knee.
- 16) Skirts, dresses and pants with slits that exceed mid-thigh length.
- 17) Pants or skirts that expose the backside or hind part of the body while sitting and/or standing.

- d. **Exceptions to Prohibited Wear.** When the supervisor authorizes appropriate casual clothing because staff are involved in cleaning, boxing records and other special projects, which make the wearing of business attire impractical.
- e. **Jewelry**
  - 1) While on duty, on location at a Department facility or while dressed in a DOC uniform, employees, contractors, volunteers or interns are prohibited from wearing any object inserted into an exposed body part that has been pierced, except earrings. Examples include the tongue, nose, lips, eyebrow(s), and etc. Objects include, but are not limited to jewelry, posts, string, straw or toothpick material.
  - 2) Employees may wear earrings as specifically authorized in this directive.
  - 3) Any other jewelry that detracts from the overall professionalism, interferes with required Personal Protective Equipment or poses a safety hazard is not permitted.
- f. **Hair**
  - 1) **Males**
    - a) Hair shall be kept clean, neatly trimmed and groomed.
    - b) Moustache, beards and sideburns are permissible, however each must be neatly trimmed at all times.
  - 2) **Females**
    - a) Hair shall be kept neat, clean and groomed.
    - b) Hair shall be worn in a style that is appropriate to the particular assignment and consistent with this directive.
- g. **Fingernails.** Fingernails shall not exceed 1/2 inch in length from the tip of the finger.
- h. **Makeup**
  - 1) Female employees may wear facial and eye makeup that is neatly and moderately applied and appropriate for their particular assignment.
  - 2) Colognes, perfume and body oils shall be used in moderation.

## CHAPTER 2

### UNIFORMED OFFICERS

#### 1. UNIFORMED OFFICERS - GENERAL REQUIREMENTS

- a. **Regulation Uniform.** All uniformed staff in the Correctional Officer ranks, regardless of work locations or job assignments, shall report to work in the official duty uniform.
- b. **Correctional Officers assigned to non-correctional posts.** Managers of uniformed staff who are assigned to non-correctional posts must first make written requests for exception, addressing it through the chain of command to the Deputy Director.
- c. **Universal Requirements.** Uniforms shall be worn as follows:
  - 1) The uniform shall be worn in its entirety. Uniform components shall not be worn separately.
  - 2) Uniforms shall be clean, well fitted, in good condition, and devoid of stains or patched areas.
  - 3) Uniforms shall fit properly, without undue bagginess or tightness in the trousers or shirt.
  - 4) All buttons shall be secured, with no unsightly bulging of buttonholes.
  - 5) Shoes or boots shall be kept shined.
  - 6) Supervisors shall wear white shirts.
  - 7) Correctional officers shall wear gray shirts.
  - 8) Uniformed and Specialty Uniformed Personnel shall only wear conventional sunglasses that are conservatively styled and do not have mirrored and/or reflective lenses.

#### 2. MALE CORRECTIONAL OFFICERS. In addition to the above general requirements, male officers shall conform to the following standards.

##### a. **Shirt**

- 1) The appropriate seasonal shirt shall be worn.
- 2) Officers may wear the collar open when wearing the short sleeve uniform shirt.

- 3) The only exposed garment under the shirt shall be a plain white undershirt.
- 3) Long sleeved winter uniform shirts shall only be worn with the sleeves down, the cuffs buttoned and a tie.

b. **Tie.** A plain, dark blue or black clip on necktie shall be worn, unless otherwise directed. A tie clasp or tiepin may be worn with the tie.

c. **Trousers**

- 1) Navy blue uniform trousers shall be worn.
- 2) Trouser length shall be approximately one inch above the floor when standing in shoes and from one to two inches above the floor when standing in boots.

d. **Socks**

- 1) Navy blue or black socks shall be worn.
- 2) White socks shall only be permitted when written authorization from a licensed physician prescribing white socks has been submitted and supervisor clearance made. Medical documentation for continued wear of white socks shall be updated every six (6) months.

e. **Footwear**

- 1) Black leather tie-up shoes or boots of plain design shall be worn.
- 2) The shoes shall be kept clean and in good condition.
- 3) Shoes may be of high top design, but the top must be close fitting.

f. **Jewelry**

- 1) Earrings shall be limited to stud earrings or small clip-on earrings.
- 2) Earrings cannot dangle below the ear or loop earrings shall be small enough to ensure that one's pinky finger cannot fit into the opening.

3. **FEMALE CORRECTIONAL OFFICERS**

a. **Shirt**

- 1) The appropriate seasonal shirt shall be worn.
- 2) The collar may be worn open. The only exposed garment under the shirt shall be a plain white undershirt.
- 3) Long sleeved winter uniform shirts shall only be worn with the sleeves down, the cuffs buttoned and a tie.

- b. **Smock.** Pregnant officers may wear a uniform maternity smock with pockets and of a color that matches the uniform shirt, or a standard uniform shirt tailored with a straight cut bottom for maternity wear.
- c. **Tie.** A plain, dark blue or black clip on or criss-cross necktie shall be worn, unless otherwise directed. A tie clasp or tiepin may be worn with the tie.
- d. **Trousers**
  - 1) Navy blue uniform trousers shall be worn.
  - 2) Trouser length shall be approximately one inch above the floor when standing in shoes and from one to two inches above the floor when standing in boots.
- e. **Skirts.** Skirt length shall be one to three inches below the knee.
- f. **Socks**
  - 1) Navy blue or black socks shall be worn.
  - 2) White socks shall only be permitted when written authorization from a licensed physician prescribing white socks has been submitted and supervisor clearance made. Medical documentation for continued wear of white socks shall be updated every six (6) months.
- g. **Stockings.** Female uniformed employees may wear neutral, blue or black seamless stockings, panty hose or knee-highs. Bare ankles and patterned stockings shall not be permitted.
- h. **Footwear**
  - 1) Black leather tie-up shoes or boots of plain design shall be worn.
  - 2) Shoes may be flat or have heels not more than one inch in height.
  - 3) The shoes shall be kept clean and in good condition.
  - 4) Shoes may be of high top design, but the top must be close fitting.
- i. **Jewelry**
  - 1) Earrings shall be limited to stud earrings or small clip-on earrings.
  - 2) Earrings cannot dangle below the ear or loop earrings shall be small enough to ensure that one's pinky finger cannot fit into the opening.

#### 4. **INSIGNIA, ACCESSORIES AND ACCOUTERMENTS**

- a. **Organizational and Rank Insignia.** Organizational and rank insignia shall be worn in accordance with DO 3360.5, Uniform and Insignia.

- 1) Silver insignia shall be worn by non-supervisory uniformed officers.
- 2) Gold insignia shall be worn by the rank of Sergeant and above.

b. **NAME PLATE/TAG**

- 1) The nameplate shall bear the wearer's last name, first initial.
- 2) The nameplate shall be blue with white lettering.
- 3) As an option, correctional officers may wear a silver colored metal nameplate and Sergeants and above may wear gold colored nameplates. Employees may purchase the metal nameplates at their own expense.

c. **BADGE**

- 1) The badge for Corporals and below is silver in color.
- 2) The badge for Sergeants and above is gold in color.

d. **UNIFORM ACCOUTERMENTS**

- 1) **Patches.** The Department shoulder patch shall be worn on left sleeves of all uniform shirts and jackets/coats and only those pins specifically identified below may be worn.
- 2) **Medals and Pins.** When authorized, pins awarded for valor, life-saving, meritorious service, length of service, firearms proficiency and Firearms Instructor Certification may be worn on the left shirt pocket flap.

5. **UTILITY UNIFORM**

- a. **Shirts.** Khaki uniform shirts shall be worn. The only exposed garment under the shirt shall be a plain undershirt.
- b. **Trousers.** Khaki uniform trousers shall be worn.
- c. **Shoes.** Brown or black work shoes or boots shall be worn. Steel-toed shoes or boots are permitted.

6. **PROHIBITIONS**

- a. It is preferable that uniformed staff shall not wear their uniform except in the commission of their official duties and shall use discretion in their activities while in uniform.
- b. Uniformed staff shall be prohibited from wearing the official uniform or any part of the uniform while gambling, purchasing and drinking alcohol and/or engaged in the following activities:

- 1) Entering establishments that offer customers alcoholic beverages, excluding restaurants whose business activities do not primarily involve serving alcoholic beverages to their customers.
  - 2) Entering establishments that primarily offer gambling activities to their customer base. Examples include casinos and greyhound races.
  - 3) Entering establishments that cater to erotic interests.
  - 4) Participating in any activities that promote a particular candidate for public office.
  - 5) Participating in large public gatherings for entertainment purposes or entering establishments that have large public gatherings for entertainment purposes.
  - 6) Entering any other establishment in which the public may consider the employee to be acting in an official capacity and on the government payroll or which may be considered by members of the public to bring discredit to DOC.
- c. Uniformed staff shall be prohibited from wearing the official uniform or any part of the uniform while visiting a correctional/detention facility except in an official capacity.
- d. While there is no prohibition against employees shopping in supermarkets, grocery stores, food emporiums, drug stores, department stores, discount stores, shopping malls and the like, it is recommended that staff limit these activities.
- e. When in doubt as to the propriety of wearing the uniform to any destination while off-duty, staff should consider changing to civilian clothing before arriving at the location.

## CHAPTER 3

### NON-UNIFORMED EMPLOYEES

#### 1. GENERAL

- a. Non-uniformed employees shall dress in a neat, clean, and professional manner that meets the reasonable standards of professional office attire for government employees and is appropriate to the correctional work environment.
- b. Discretion shall be used when attending meetings as a representative of the Department. Employees shall follow the dress standards outlined in this Order for scheduled meetings. Unscheduled meetings may require a change of clothing, if appropriate.

2. **MALE NON-UNIFORMED PERSONNEL.** Men shall wear dress shoes, dress boots, and plain leather tie-up shoes.

#### 3. FEMALE NON-UNIFORMED PERSONNEL

- a. Women shall wear dress pumps, dress boots, flats or plain leather tie-up shoes. Staff may also wear dress sandals and dress backless slide shoes.
- b. Female personnel who **do not** work in a correctional facility may wear earrings of a type and number that suit their personal preference, including hoops or other types that extend below the earlobes.
- c. Female personnel who work in a correctional facility may wear stud earrings or small clip-on earrings that do not dangle below the ear or loops small enough that pinky finger cannot fit.

## CHAPTER 4

### GROOMING AND DRESS COMMITTEE

1. **MEMBERSHIP.** The Director or designee shall assign staff to the Grooming and Dress Committee. The committee may include employees as follows:
  - a. Member - Employee Relations Officer
  - b. Member - Central Office Representative
  - c. Member - Correctional Supervisor
  - d. Member - Correctional Officer (female)
  - e. Member - Correctional Officer (male)
  - f. Member - Non-uniformed Representative (female)
  - g. Member - Non-uniformed Representative (male)
  - h. Member - Collective bargaining Representative
  
2. **SCHEDULED MEETINGS.** The committee shall convene for regularly scheduled meetings at approximately six-month intervals or as required by the Chairperson.
  
3. **RESPONSIBILITIES.** The committee's responsibilities shall be, but are not limited to:
  - a. Developing specifications for appropriate items of apparel.
  - b. Evaluating items of apparel offered by manufacturers and vendors against the approved specifications.
  - c. Reviewing administrative and field requests for changes.
  - d. Conducting annual review of dress standards for employees. Reviewing other issues associated with employee grooming and dress.
  - e. The Committee, after making a determination if the item(s) will be recommended as authorized for use or wear, shall present their finding to the Deputy Director for review, who may provide comments and/or recommendations to the committee chair.
  - f. The committee chair shall provide written recommendations, which shall include any additional comments/recommendation made by the Deputy Director, to the Director for consideration and approval.

- g. The Committee, upon receiving an approval or denial by the Director for authorized items for use or wear, shall provide written notification of approval or denial to the vendor/manufacturer representative.



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

OPI: HRM  
Number: 3370.1A  
Date: March 9, 2001  
Subject: Employee ID Cards

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1. **PURPOSE AND SCOPE.** To establish policy and procedures for issuance and control of identification (ID) cards for the D. C. Department of Corrections (DCDC) employees, contractors, interns and volunteers.
2. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. All DCDC employees, contractors, interns and volunteers will be issued an identification card.
  - b. Security and control of personnel entering and exiting all DCDC facilities will be maintained.
  - c. Retirement Identification Cards will be issued to eligible DCDC employees upon retirement.
3. **DIRECTIVES AFFECTED.**
  - a. **Directives Rescinded:** D.O. 3370.1 "Employee ID Card" (12/9/88)
  - b. **Directives Referenced:** D.O. 1310.3A "Volunteer Program"
4. **STANDARDS REFERENCED.** None
5. **PROCEDURES.**
  - a. **Initial Issuance and Expiration.** During initial processing, employees shall present his/her Appointment Letter and a completed Form 1.512, "Application for Department of Corrections Employee Identification Card," (Attachment 1) to the Human Resource Management Division (HRMD) for issuance of an ID card. Each employee shall sign for his/her new ID card. ID cards will not be mailed, picked up by another employee, or otherwise delivered to any individual except as authorized in writing by the Special Project Officer.

**b. Expiration**

- (1) Identification cards for permanent employees shall expire on the employee's birthday four years from the year of issuance.
- (2) ID cards for temporary/contract/intern employees shall expire at the end of the temporary/contract/intern appointment.
- (3) ID cards for volunteers shall expire in one year from the month of issuance.

**c. Renewal.** ID cards for permanent employees shall be renewed, to the extent possible, during the week of the employee's birthday.

**d. Replacement.** Employee ID cards will be replaced only upon expiration, destruction, damage, recall, loss or theft. An employee/retiree shall not have more than one ID card in his/her possession or control at any given time. Employees/retirees shall request and complete a Form 1.512 for a replacement card. The employee/retiree shall deliver the completed Form 1.512 to the HRMD. If an error is detected in the spelling of an employee's name or date of birth, etc., the employee should return the ID card to the Office of Special Projects as soon as possible for replacement. Such an ID card may be replaced without further approval.

Employees are responsible for requesting replacement cards to reflect name changes. Original legal documentation is required.

**6. IDENTIFICATION CARD DESCRIPTION**

**a. Validation.** At the point of issuance the ID card must be validated with the signature of the current Director, DCDC. A facsimile of the Director's signature may be used.

**b. Content.** The ID card is made of rigid PVC plastic containing computer-generated data and image superimposed on the front and back. The "front" of the ID card bears a digitized photograph of the employee's head and shoulders, in color, against a light blue background surrounded by a color border (red border for uniform employees, blue border for non-uniform employees, green border for volunteers and yellow border for contract/intern employees). The employee's name, signature, and signature of the Director, DCDC are positioned below the employee's photograph. The ID card number is situated on the front of the card in a contrasting color on the image border.

The back of the card shall bear the card's expiration date, issuance date, employee's height, weight, birth date, and the digitized representation of the employee's right thumbprint. A bar-code representation of the employee's security number using "Interleaved 2 of 5" standard bar-code format is located .250" +/- .101" from the bottom edge of the card. The bar-code must be .575" +/- .005" in height.

- c. **Retirement Identification Card.** Retirement ID cards will be issued to eligible employees upon retirement and to any department retiree upon request with appropriate identification and proof of DCDC retirement. Refer to section 5d of this Program Statement for replacement cards instructions for retirees. Retirement ID cards are the same as those issued to non-uniform employees except **"RETIRED"** is captioned below the photograph within the border.
- d. **Volunteer Identification Card.** The Office of Volunteer Services is responsible for issuing ID cards to all approved volunteers who are assigned to facilities. Volunteer ID cards are the same as those issued to non-uniform employees except **"VOLUNTEER"** is captioned below the photograph within the border.

**7. MAINTENANCE AND DISPLAY.** The ID Card is D. C. Government property and its use and safekeeping are entrusted to the employee to whom it is issued. Employees shall prominently display the card at all times while on duty so the employee may be identified. The card must be displayed on the front of the employee either by affixing it to the employee's outer garment utilizing the provided spring-load clip, or by purchasing an alternative chain or ID holder to display the card. The card will not be displayed lower than the waistline or higher than the neckline. The employee must take reasonable steps to protect this card from loss, theft, and damage.

## **8. DISPOSITION OF IDENTIFICATION CARDS**

- a. **Separation from the Department of Corrections.** Upon an employee's separation from the DCDC, the HRMD will ensure that the employee surrenders his/her ID card during the Employee Clearance Process. Failure to do so shall preclude final clearance. The employee's final regular pay and any leave payments shall be withheld until final clearance is obtained.
- b. **Lost, Stolen or Destruction of Identification Cards.** An employee is responsible for reporting the loss, theft or destruction of his/her ID card to his/her Warden, Office Chief, Administrator, or Deputy Director in writing no later than the next business day after they become aware of it. Employees must provide as many details as possible about the loss or destruction, including date and circumstances, if known. An employee's failure to report a lost, stolen, or damaged ID card may result in adverse or corrective action in accordance with Chapter 16 of the District Personnel Manual.

In addition to a written report, employees working in an institution at the time of loss or theft must verbally notify (upon discovery of loss or theft) the ranking correctional supervisor on duty immediately.

The written report coupled with the DCDC Form 1.512 shall be forwarded to the Chief, Office of Internal Affairs, for review, investigation and approval for replacement card.

The HRMD shall maintain a file listing of employees who have reported lost, stolen, destroyed, or recovered ID's.

c. **Damaged Cards.** Cards that are in an employee's possession, but are damaged may be replaced upon supervisory approval, provided the identity of the employee can be determined by examining the damaged card.

**9. RESPONSIBILITIES.** The Special Projects Officer is responsible for ensuring that sufficient staff is properly trained in the use of the equipment and software used to issue identification cards. He/she shall also ensure the proper maintenance of the equipment. This responsibility includes ensuring that vendor maintenance contracts are procured, ordering supplies, and ensuring that adequate supplies are kept on hand.

**10. CONTROL AND ACCOUNTABILITY.** All ID cards are numbered. The HRMD shall maintain accountability of cards issued. HRMD shall maintain a log of ID cards issued to individual employees.

The log shall include the card number, name and signature of the employee to whom issued, and the date issued. Returned ID cards and the log shall be stored in a secure location to prevent unauthorized distribution.

All recalled or confiscated cards shall be turned over to the HRMD for destruction.

**11. DESTRUCTION OF EMPLOYEE IDENTIFICATION CARDS.** The Chief of Human Resources Management (or his or her designee) shall destroy all expired, recalled, damaged identification cards and any recovered lost or stolen Employee Identification Cards (except when an employee whose lost or stolen card has been returned and the employee has not yet been issued a replacement card).

**12. SURRENDER AT SEPARATION.** The ID card shall remain in the possession of the employee to whom it is issued until retirement, resignation, termination, or expiration, at which time the employee shall return the Employee ID card to the Department for disposal. The employee shall use a Department Clearance Form and clear his or her Employee ID card through the HRMD when it is surrendered. Failure to do so shall preclude final clearance. The employee's final regular paycheck and any annual leave payment shall be withheld until final clearance is obtained.



Odie Washington  
Director

## ATTACHMENT

Form 1.512, "Application for Department of Corrections Employee Identification Card"



**DISTRICT OF COLUMBIA  
DEPARTMENT OF CORRECTIONS**

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# Program Statement

<b>OPI:</b>	<b>PROGRAMS</b>
<b>Number:</b>	<b>4210.2C</b>
<b>Date:</b>	<b>February 21, 2008</b>
<b>Supersedes:</b>	<b>4210.2B (12/10/06)</b>
<b>Subject:</b>	<b>Inmate Institutional Work Detail Program</b>

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1. **PURPOSE AND SCOPE.** To establish policy and procedures for employing inmates in work details at the DC Department of Corrections (DOC) Central Detention Facility (CDF).
2. **POLICY.** It is DOC policy to employ eligible inmates to maintain day-to-day facility operations and to reduce inmate idleness, while allowing the inmate to improve and/or develop useful job skills, work habits, and experiences that will assist in post-release employment.
  - a. Employment shall be subject to:
    - 1) The number of work opportunities available; and
    - 2) Security and operational needs based upon formal classification review and approval consistent with safekeeping inmates and protecting the public.
  - b. Inmates are compensated for work performed with incentives such as, but not limited to monetary compensation, special housing and extra privileges.
  - c. Authority for approval of off-unit work assignments, criteria waivers in accordance with this directive, promotions and work detail terminations shall not be delegated to any CDF manager below the level of Deputy Warden.
3. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Inmate custody classification, sentence disposition and appropriately corresponding work assignments are clearly defined.
  - b. As practicable, eligible inmates are involved in a variety of work assignments or other meaningful programs.
  - c. The work day approximates a general work force day and working conditions comply with applicable federal and local work safety laws and regulations.
  - d. Inmates shall be considered for work detail when they meet sentence, classification and other legal status, medical and mental health requirements

outlined herein. The inmate's attitude, work skills and qualifications shall additionally be considered for work placement.

**5. NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Code section 2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and providing access to programs.
- c. Staff shall not discriminate against or preclude qualified inmates with a disability from participating in work programs. The inmate's safety and ability to function satisfactorily at a particular work assignment, however, must be considered.

**6. DIRECTIVES AFFECTED**

**a. Directives Rescinded**

- 1) Department Order 4210.2A, Non-Industrial Pay System (NIPS) (6/21/94)
- 2) Change Transmittal 2, Department Order, 4210.2A, Non-Industrial Pay System (NIPS) (5/31/85)

**b. Directives Referenced**

- 1) PS 6000.1            Medical Management
- 2) PS 4090.2           Intake Screening
- 3) PS 4090.3           Classification and Reclassification

**7. AUTHORITY.** DC Code § 24-211.02 Powers; Promulgation of Rules

**8. STANDARDS REFERENCED**

- a. American Correctional Association (ACA) Standards, 4<sup>th</sup> Edition for Local Adult Detention Facilities: 4-ALDF-2A-17, 4-ALDF-2A-25, 4-ALDF-2A-36, 4-ALDF-2A-9, 4-ALDF-2A-10 and 4-ALDF-5C-06 through 4-ALDF-5C-12.

- b. American Correctional Association (ACA) 2<sup>ND</sup> Edition Standards for Administration of Correctional Agencies 2-CO-3C-01.

9. **EMPLOYMENT REFERRALS**

a. Intake/Orientation

- 1) During the intake process the Case Manager shall query each inmate about their employment history and their desire to work.
- 2) The Case Manager shall conduct a review of the inmate's official institutional record, JACCS and when needed, PRISM, Court View and WALES NCIC to determine that the inmate satisfactorily meets sentence and custody requirements and does not otherwise have restrictions outlined in this directive.

b. Staff Referrals

- 1) Potential Inmates for Details Crystal Report. Case Managers and the NIPS Coordinator shall also use the JACCS database eligibility screening report to determine possible workers.
- 2) Subject to work eligibility criteria, Case Managers and other facility staff may refer inmates for consideration for work assignments based upon their knowledge of the inmate's skills and past work history.

c. Inmates. Inmates may send an inmate request to work to the Case Manager, squad officer, tradesman or the Non-Industrial Pay System (NIPS) Coordinator.

d. Each squad supervisor shall provide the NIPS Coordinator with the number of vacancies on a weekly basis.

10. **RESTRICTIONS TO PLACEMENT ON WORK ASSIGNMENTS.** Inmates with the following sentence status shall not be allowed to work on any detail:

a. **Legal Restrictions**

- 1) Another jurisdiction has placed a detainer against the inmate except that inmates with only Parole Violation detainer may be considered to work on a case-by-case basis.
- 2) Another jurisdiction has lodged a warrant against the inmate except that an inmate with a Parole Violation warrant may be considered to work on a case-by-case basis.
- 3) Writs are in force.
- 4) The inmate is in the Special Management Unit or on Disciplinary Segregation.

- b. For the purpose of this directive the following definitions shall apply to pending charges, and past and current convictions and sentences:
  - 1) **Escape.** Escape from a secure facility, outpost or from the lawful custody of an officer or employee of the DOC or other law enforcement official.
  - 2) **Prison Breach.** Prison Breach is when a sentenced inmate is absent from a community residential program without authorization.
  - 3) **Abscond.** Absconding is when a pretrial inmate is absent from a community residential program without authorization. Consideration for work detail will be given on a case by case basis.

## 11. GENERAL ELIGIBILITY REQUIREMENTS

- a. **Sentenced and Convicted Un-sentenced Inmates** who meet custody, classification, and program criteria are required to work if they are not assigned to programs. This shall include weekenders who will be assigned to details outside of the facility under supervision.
- b. **Pretrial Inmates**
  - 1) Pretrial inmates are not required to work except to do personal housekeeping and to clean their housing area.
  - 2) They may be considered for work upon their written request.
- c. **Medical and Mental Health.** Inmates with disabilities, including temporary disabilities, are housed in a manner that provides for their safety and security. To the extent medically possible, these inmates may perform work.
- d. **Medical Clearance.** A medical clearance is required before:
  - 1) An inmate's assignment to Food Services or
  - 2) When the inmate has significant physical or intellectual disabilities or has been diagnosed as having mental health disabilities.

12. **WORK DETAIL ELIGIBILITY OVERVIEW.** In addition to general detail eligibility, the following custody and classification requirements are assigned.

	<b>PROHIBITED FROM ANY DETAIL</b>	<b>ON UNIT Inside of the housing unit</b>	<b>OFF UNIT Inside physical constraints of CDF (Jail Side Only)</b>	<b>SENSITIVE AREAS - Admin, Warehouse</b>	<b>OUTSIDE DETAIL</b>
<b>Custody</b>	Disciplinary Segregation & Special Mgmt. Unit (SMU)	<ul style="list-style-type: none"> <li>▪Maximum-case by case basis</li> <li>▪Medium</li> <li>▪Minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪Medium</li> <li>▪Minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪Minimum*</li> <li>▪ Medium custody score &lt; 7 considered for ADMIN side</li> </ul>	<ul style="list-style-type: none"> <li>▪Minimum</li> </ul>
<b>Escape</b>	Varies – Refer to each detail type	<ul style="list-style-type: none"> <li>▪No Escape</li> </ul>	<ul style="list-style-type: none"> <li>▪No Escape</li> <li>▪CCC (Prison Breach or Abscond) of 10 days or less within past 2 years</li> <li>*case-by-case for voluntary return in 8 hrs</li> </ul>	<ul style="list-style-type: none"> <li>▪No Escape History</li> <li>▪Prison Breach or Abscond of 10 days or less within past 5 years</li> </ul>	<ul style="list-style-type: none"> <li>▪No Escape History</li> <li>▪No Prison Breach or Abscond</li> </ul>
<b>Type of Crime and Other Legal</b>	<ul style="list-style-type: none"> <li>▪Writs</li> <li>▪In transit (holding for another jurisdiction)</li> <li>▪Out of State Detainer</li> </ul>	<ul style="list-style-type: none"> <li>▪PV Warrant*</li> <li>▪PV Detainer*</li> <li>*Above considered on case-by-case</li> </ul>	<ul style="list-style-type: none"> <li>▪ Misdemeanants</li> <li>▪Pretrial &amp; Convicted/ Unsenteded Felon*</li> <li>▪Sentenced Felon or PV with less than 5 yrs to release*</li> <li>*No criminal history or current offense for Murder, AR, Burglary, Kidnapping, any Sex offense</li> <li>▪PV Warrant/PV Detainer on case-by-case</li> </ul>	<ul style="list-style-type: none"> <li>▪All Misdemeanants</li> <li>▪Sentenced Felon with less than 3 yrs to release*</li> <li>No criminal history or offense for Murder, AR, Burg, Kidnapping, any Sex offense</li> <li>▪No Pending charges</li> <li>* PV Detainer with Minimum custody considered</li> </ul>	<ul style="list-style-type: none"> <li>▪Misdemeanants</li> <li>▪No PV</li> <li>▪Sentenced Felon with less than 1 yr to release</li> <li>▪No criminal history or offense for Murder, AR, Burg, Kidnapping, any Sex offense</li> <li>▪No Pending charges</li> <li>▪No Detainer</li> </ul>
<b>Separation</b>	Varies – Refer to each detail type	<ul style="list-style-type: none"> <li>▪No separations from inmates in the same housing unit</li> </ul>	<ul style="list-style-type: none"> <li>▪No separations with inmates in CDF</li> <li>▪No separations for workers in Receiving &amp; Discharge</li> </ul>	<ul style="list-style-type: none"> <li>▪No separations</li> </ul>	No Separations
<b>Behavior</b>	<ul style="list-style-type: none"> <li>▪Mental Health – Varies (refer to each detail type)</li> </ul>	<ul style="list-style-type: none"> <li>▪No positive urinalysis during this period of incarceration</li> <li>▪No disciplinary segregation for Class I or Class II DR in past 90 days</li> <li>▪No history/pattern of institutional violence or serious assault on staff</li> <li>▪Mental Health history with medical clearance</li> </ul>	<ul style="list-style-type: none"> <li>▪No positive drug test during this period of incarceration</li> <li>▪ No disciplinary segregation for Class I or Class II DR within past 6 months</li> <li>▪No history/pattern of institutional violence or serious assault on staff</li> <li>▪Mental Health history with medical clearance</li> </ul>	<ul style="list-style-type: none"> <li>▪No positive drug test this incarceration</li> <li>▪ No disciplinary segregation for Class I Class II DR in past year, No Class III or Class IV in past 6 mo</li> <li>▪No history/pattern of institutional violence or serious assault on staff</li> <li>▪No history of mental health concerns</li> </ul>	<ul style="list-style-type: none"> <li>▪No positive drug test during this confinement</li> <li>▪ No Class III or Class IV DR in past year. No Class I/II this confinement</li> <li>▪No history/pattern of institutional violence or serious assault on staff</li> <li>▪No history of mental health concerns</li> </ul>

13. **PROCEDURES FOR HIRING INMATES FOR ON-UNIT DETAILS.** Inmate personnel actions for on-unit details are handled in-house.
  - a. The affected Housing Unit Case Manager ensures that the inmate meets eligibility criteria in accordance with this directive and documents this on the Inmate Personnel Action Form - Section A (Attachment B).
  - b. The affected Housing Unit Case Manager and the Housing Unit Officers-in-Charge (OIC) sign off on the Inmate Personnel Action Form Section B.
  - c. The affected Housing Unit Case Manager shall distribute the signed Inmate Personnel Action Form as follows:
    - a. Original to Inmates' Institutional File
    - b. Copy to NIPS Coordinator
  
14. **PROCEDURES FOR HIRING INMATES FOR OFF-UNIT AND OUTSIDE DETAILS**
  - a. The Details Case Manager shall, upon receipt of a referral from the NIPS Coordinator, screen the inmate's record, JACCS and when needed, PRISM, Court View and Wales NCIC to determine that the inmate satisfactorily meets sentence and custody requirements and does not otherwise have restrictions outlined in this directive.
  - b. The Details Case Manager shall complete Section A of the Inmate Personnel Action Form and return it to the NIPS Coordinator.
  - c. If the Details Case Manager is requesting a waiver in order to allow an inmate who has a history of Prison Breach or Absconding from a halfway house to work, the Details Case Manager shall include a written rationale in Section D of the Inmate Personnel Action Form.
  - d. The NIPS Coordinator shall complete Section C of the Inmate Personnel Action Form, sign it and obtain the Details Case Manager's signature before forwarding for the Warden's (or designee's) approval.
  - e. When a waiver has been requested the NIPS Coordinator shall obtain the inmate's official institutional record and hand deliver it along with the Inmate Personnel Action form to the Warden (or designee) for further determination.
  - f. The Warden or designee shall document the decision in Section D of the Inmate Personnel Action Form.
  - g. The NIPS Coordinator shall refer the inmate for a medical clearance if the inmate is being recommended for work in Food Services or if the inmate has a history of mental health concerns or significant physical disabilities.

- h. Qualified medical personnel shall review the inmate's medical file or when appropriate, perform an in-person examination with the inmate for medical clearance to work. Medical personnel shall document approval/disapproval in Section E of the Inmate Personnel Action Form.
- i. Upon approval the Inmate Personnel Action Form shall be distributed as follows:
  - 1) Original to the Inmates' Institutional File
  - 2) Copy to the NIPS Coordinator
  - 3) Copy to the Details Case Manager

#### 15. MEDICAL CLEARANCE

- a. **Inmate Culinary Workers Intake Screening/Medical Clearances.** All inmates approved for a culinary detail shall be medically cleared prior to commencing his/her assignment. The inmates shall meet the requirements of local laws and regulations for persons involved in food service activities.
- b. Each inmate shall be examined upon intake to determine if he/she is free of communicable and/or infectious disease. The intake exam shall also determine if the inmate is physically able to work.
- c. A notation shall be made in the inmate's medical record indicating whether the inmate is free of communicable and/or infectious disease and cleared for a work assignment.
- d. On the first regular workday of the week, Health Services shall provide the Deputy Warden for Support with a listing of all inmates **who were not** cleared for culinary work assignments as of that date.
- e. Culinary clearance shall be valid for one year from the date of the last PPD and/or chest x-ray, except in cases where an infectious disease and/or communicable disease has been identified.
- f. Medical staff are responsible for making the appropriate changes to an inmate's culinary clearance as it occurs. Medical staff shall make immediate notification to the Deputy Warden for Support in all cases where an inmate, who is currently assigned to culinary duty, is identified as having an infectious and/or communicable disease.

#### 16. INMATE WORK DETAIL IDENTIFICATION CARDS

- a. The work detail photo identification card shall include the inmate's:
  - 1) Name;
  - 2) DCDC #;

- 3) ID Card Number;
  - 4) Date of Issuance;
  - 5) Notation if the card is a replacement card (Duplicate);
  - 6) Squad assignment;
  - 7) Work shift; and
  - 8) Background color that is assigned to the particular squad.
- b. NIPS Coordinator's Responsibilities
- 1) When the inmate's personnel action is approved, the NIPS Coordinator shall prepare and issue an inmate work detail photo identification that is signed by the Warden or designee.
  - 2) When inmates are officially removed from detail the NIPS Coordinator shall retrieve and properly dispose of (i.e., shred) the ID card.
  - 3) The NIPS Coordinator shall maintain a log of when each ID card was issued and retrieved. The NIPS Coordinator shall ensure receipt of Inmate ID Card Loss and Replacement documentation from the requesting authority before issuance of a duplicate inmate ID card (Attachment C).
- c. Housing Unit Officer Responsibilities
- 1) Unit Staff shall ensure that they check the photo in order to issue the correct ID card to the inmate when they are being released from the unit.
  - 2) Unit Staff shall ensure that the inmate surrenders the ID card upon return from work and that the ID photo matches the inmate who is returning it.
  - 3) Unit Staff shall securely store each inmate's ID card in the Housing Unit Control Module when the inmate is not out of the unit for work purposes.
  - 4) Employees may be subject to discipline when they fail to obtain the returning inmate's ID card and/or the loss of a returned ID card is due to the employee negligence.
- d. Inmate Responsibility for ID Cards
- 1) Each inmate is personally responsible for the security of his/her ID card during work hours.
  - 2) The inmate shall immediately advise the squad supervisor if the card is lost, stolen, destroyed or mutilated while working.
  - 3) An inmate is subject to discipline and removal from detail when:

- a) The inmate uses or attempts to use the work detail ID card for purposes other than prescribed in this directive);
  - b) The inmate fails to produce the ID card on the demand of a DOC official; or
  - c) The inmate permits another inmate to use the ID card.
- 4) The inmate shall not be allowed to leave the housing unit for work until issued a replacement ID card.
- 5) Inmates may be charged a \$3.00 replacement fee for issuance of a duplicate card.
- e. Reporting Lost and Stolen ID Cards. Loss shall be documented as follows (Attachment C):
- 1) The Housing Unit OIC shall document when either the inmate does not surrender the ID card upon return from detail or reports it lost or when the identification card is lost or misplaced while under the control of Housing Unit staff.
  - 2) The respective Squad Supervisor or Escort Officer shall document when the inmate reports the card as lost, stolen or damaged while working or when traveling to and from work.
  - 3) As much detail as possible to include the date and circumstances when all parties became aware of the loss.
- f. Investigation
- 4) The NIPS Coordinator shall maintain a copy of the report and forward the original to the affected Shift Supervisor for investigation.
  - 5) The Investigator shall document a summary of findings and any appropriate action on Attachment C.

## **17. INMATE PROMOTION, DEMOTION OR REMOVAL**

- a. Promotion. Inmates may be promoted, demoted or removed based upon qualifications, skill, performance and work attitude.
- 1) The Squad Supervisor shall submit the request for promotion of an inmate in writing to the NIPS Coordinator using the Inmate Personnel Action Form Section C.
  - 2) If an appropriate vacancy is open when promotion is recommended the NIPS Coordinator shall review the inmate's stated qualifications and the Squad Supervisor's recommendation.

- 3) The Details Case Manager shall review and recommend approval (or disapproval with a written explanation) and forward it to the Warden or designee for final decision.
- b. Termination Due to Separations from Other Inmates
- 1) At the time of consideration for an off-unit detail assignment, an inmate who has separations from individuals who are not housed at the CDF shall be informed in writing that he/she is subject to termination should the individual from whom he/she is separated be admitted to CDF at some future time and there is no reasonable alternative facility placement for that individual.
  - 2) This program shall be coordinated between the Details Case Manager, the NIPS Coordinator and the CDF Compliance Team. The Warden or the designee's written approval for the inmate's removal from detail shall be required.
  - 3) Within 60 days of this directive the Warden/designee and OMITTS shall develop an automated monitoring mechanism to create an alert to implement notification of the admission of an inmate who is separated from an inmate assigned to an off-unit detail.
- e. Inmate Appeal Process. The affected inmate may use the Inmate Grievance Process (IGP) to appeal the personnel action of demotion or termination.

## 18. WORK DETAIL SECURITY PROCEDURES

- a. Accountability/Supervision
- 1) Only DOC employees shall supervise squads.
  - 2) No inmate or group of inmates shall be given control or allowed to exert authority over other inmates.
  - 3) Squad Supervisors shall maintain accountability for inmates assigned to their squad as follows:
    - a) Unit detail shall be under intermittent supervision consistent with the security requirements of the unit.
    - b) Squad Supervisors shall observe the work of inmates who work Off Unit details on the Jail-side at least every 15 minutes.
    - c) Squad Supervisors shall maintain constant surveillance on detail workers assigned to work Outside details or who work Off Unit details in sensitive areas such as the Administration Area, the warehouse and the loading docks shall be directly supervised at all times.

- b. Movement
  - 1) Inmates shall have their ID card/wrist band and work pass when out of their housing unit for work.
  - 2) Authorized DOC employees shall escort inmates to and from their jobs.
- c. Searches
  - 1) Squad Supervisors shall pat search inmates workers when they pick them up at their housing units.
  - 2) Housing unit officers shall pat search inmates workers when they return to the housing unit from work.
  - 3) Outside detail workers shall be strip searched when they are processed back into the facility through R&D.
  - 4) Other inmate workers may be strip searched when there is a reasonable belief that they are in possession of contraband.
  - 5) Squad Supervisors shall search work areas each work day.
- d. Accountability for Tools. Squad Supervisors shall account for tools and equipment assigned to the squad consistent with the requirements of PS 5022.1B, Tool Control.

#### **19. DAILY INSPECTION OF FOOD SERVICE INMATE WORKERS**

- a. The Officer-in-Charge (OIC) shall conduct daily inspection of all inmate culinary workers to detect signs of illness or infection.
- b. Inspections shall be documented on a Daily Food Handlers Inspection Sheet (Attachment) that lists the names of all inmates working in culinary on the date identified on the inspection sheet.
- c. This inspection shall be thorough enough to make certain that inmate culinary workers have no obvious signs of infection or illness; that hands, fingernails and clothing are clean; and that they have no rashes, skin or wound infections.
- d. The Warden or his/her designee shall ensure that each employee who is responsible for a daily inspection is adequately trained to perform the duties.

#### **20. INMATE ORIENTATION AND SAFETY TRAINING**

- a. Squad Supervisors shall be responsible for ensuring that all inmates approved for detail and assigned to a position, are orientated to actual duties as well as performance and job safety responsibilities specifically related to the inmate's work assignment.

- b. Environmental Safety and Sanitation Manager shall ensure safety training is conducted and documented for inmate workers (Attachment G). Safety training shall include general safe work practices.

21.

**22. INMATE WORK RELATED ACCIDENTS AND INJURIES**

- a. An inmate is expected to perform the work assignment in a safe manner, using safety equipment as instructed by the work supervisor. In the event of any work related injury, the inmate shall notify the work supervisor so that appropriate action (for example, medical attention, and submission of necessary reports) may be taken.]
- b. Squad Supervisors shall report all inmate work related accidents and injuries to the designated Deputy Warden. (Attachment D)
- c. By the 10<sup>th</sup> of each month the Deputy Warden shall forward inmate injury reports accompanied by a summary report to the DOC Risk Manager.

**23. DETAIL POSITIONS**

- a. Each squad supervisor is required to submit to the NIPS Coordinator a full description of the detail, to include all duties/tasks to be performed and the duty hours. The job descriptions are to be reviewed annually.
- b. Position Descriptions. All inmate paid positions shall encompass a job description of which shall include:
  - 1) Specific Duties,
  - 2) Location of job sites,
  - 3) The schedule of work hours
  - 4) Grade and rate of pay and
  - 5) Duration, time frame(s) in which the job is to be completed.
  - 6) Work place rules of safety and conduct;
  - 7) Description of the factors to be considered and the procedures to be followed in evaluating employee performance, making promotions, and granting wage increases; and
  - 8) Description of skill and safety training to be provided on the job.
- c. Description of work-place corrective action that may be taken in the event that an employed inmate violates workplace rules of safety and conduct or otherwise fails or neglects to perform job responsibilities in a satisfactory manner.

- d. Inmates shall not work more than 40 hours per week, except that inmates may volunteer to work extra hours for overtime payment at 1 1/2 times the normal hourly wage. Every effort shall be made to fill all positions and overtime shall only be used during emergency situations.

#### 24. POSITION GRADE LEVELS

- a. A specific number of pay grades are established for work positions in each squad and may be based upon the position's importance and impact on institutional operations when compared with other inmate work assignments.
- b. The inmate shall be hired and/or promoted at an appropriate grade level consistent with the inmate's knowledge, experience, and skill and position.
- c. The NIPS Coordinator to maintain a file for each squad detailing the Position Control Number, Grade, Occupant of position and Entry date.
- d. The Pay Grade Schedule is as follows:

Pay Grade	Hourly Rate	Monthly Rate
1	0.933	\$28.00
2	0.70	\$21.00
3	0.625	18.75
4	0.442	13.25
5	0.308	9.25
6	0.217	6.50

#### 25. COMPENSATION

- a. Inmates working less than a full month due to institutional reassignment or release during the month, or by reason of being in a non-pay status for part of the month, shall be paid in accordance with the daily rate.
- b. An inmate shall receive regular pay when the inmate has been placed on a medically approved absence after being injured while performing a work assignment.
- c. At the end of each month the work detail/housing unit supervisor shall compute the hours worked by the inmate and the pay to be awarded for that month and shall submit the monthly Pay Roll Roster Form by the 25<sup>th</sup> of the month (Attachment E).
- d. The NIPS Coordinator shall prepare and submit through channels to the Deputy Warden for Programs, an inmate payroll commensurate with authorized allocations by no later than the 30<sup>th</sup> of each month.

**26. INMATE PERFORMANCE**

- a. An inmate, regardless of assignment, is expected to perform all assigned tasks diligently and conscientiously.
- b. Disciplinary action or termination may be taken against an inmate who refuses to work, who otherwise evades attendance and performance standards in assigned activities, or who encourages others to do so.

**27. INMATE PERFORMANCE REVIEWS**

- a. Each Off Unit Squad Supervisor shall submit a monthly rating on each inmate working in that squad. The report is due on the 10<sup>th</sup> each month (Attachment F).
- b. The Squad Supervisor shall forward copies of the performance review to the NIPS Coordinator who shall distribute them as follows:
  - 1) Original to the Records Office for filing in the inmate's official institutional record.
  - 2) Two copies to the assigned Case Manager for filing in the inmate's case work folder and issuance to the affected inmate.
- c. It is each Squad Supervisor's responsibility, in conjunction with the NIPS Coordinator and the affected Case Manager, to ensure that poor performance assessments are acted upon promptly and shared with the assigned inmate.

Devon Brown  
Director

Attachment A	Appendix A – Offense Severity Table (Available in TRM 4090.4)
Attachment B	Request for Personnel Action/Inmate Pay
Attachment C	Inmate Work ID Card Loss/Replacement Report
Attachment D	Work Injury Report - Inmate
Attachment E	Monthly Payroll Roster
Attachment F	Work Performance Evaluation – Inmate
Attachment G	Inmate Work Safety Orientation Acknowledgement



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

**OPI:** Security  
**Number:** 5009.2B  
**Date:** February 29, 2008  
**Supersedes:** 5009.2A  
**Subject:** Searches of Inmates,  
Inmate Housing Units,  
Areas Work and  
Program

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1. **PURPOSE AND SCOPE.** To establish policy and procedures for conducting searches of inmates and areas within the DC Department of Corrections (DOC).
2. **POLICY.** It is the policy of the DOC to conduct searches of inmates, inmate housing units, program and work areas to locate contraband and to deter its introduction and movement in order to ensure the safe, secure, and orderly operation of the Central Detention Facility (CDF).
3. **APPLICABILITY.** This directive shall apply to all inmates in the custody of the DOC.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. A safe, secure and orderly environment will be maintained at the CDF.
  - b. Contraband will be controlled.
  - c. Searches of inmates, their housing units, and work and program areas will be conducted without unnecessary force.
5. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded.** None
  - b. **Directives Referenced**
    - 1) PS 3350.2E Elimination of Sexual Abuse, Assault and Misconduct
    - 2) PS 4080.1D Inmate Visiting Regulations
    - 3) PS 5010.3C Contraband Control
    - 4) PS 5030.5A Canine Unit

6. **AUTHORITY.** D.C. Code § 24-211.02, Powers; Promulgation of Rules [Formerly §24-442].

7. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA), 2<sup>nd</sup> Edition, Standards for the Administration of Correctional Agencies: 2-CO-3A-01.
- b. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-2C-01, 4-ALDF-2C-03, 4-ALDF-2C-04, 4-ALDF-2C-05 and 4-ALDF-6C-19.

8. **NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (act) the District of Columbia does not discriminate on the basis of race, color, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, place of residence or business. Sexual harassment in the form of sex discrimination is also prohibited by the act. Discrimination in violation of the act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on race, religion, national origin, gender, sexual orientation or disability when making administrative decisions and in providing access to programs.

9. **DEFINITION.** For the purpose of this program statement, the following definitions shall apply:

- a. **Body Cavity Search** – A visual and/or manual inspection of the anal/genital orifices of an inmate which may involve touching and/or probing of body cavities.
- b. **Dry Cell** - A cell that is free of hiding places and equipped with only a bed, has a door with proper observation panels to protect staff and to allow unobstructed observation and windows with a security screen to prevent loss of contraband.
- c. **Mass Shakedown** - A search involving an entire housing unit, zone, building, or area of the CDF.
- d. **Pat Search** - An inspection of an inmate, using the hands, that does not require the removal of clothing. The inspection includes a search of the inmate's clothing and personal effects.
- e. **Strip Search** - An examination of an inmate's nude body for weapons, contraband, scars, tattoos, injuries and other pertinent physical characteristics without the touching of his/her body cavities. This also includes a thorough search of all of the individual's clothing while it is not being worn.

10. **SEARCHES OF INMATES.** The following searches may be conducted to ensure the safe, secure and orderly operation of the CDF and to control contraband and provide for its disposition.
- a. **Pat Searches.** Staff members shall conduct frequent pat searches of inmates to control contraband.
  - b. **Strip Searches**
    - 1) All reasonable steps shall be taken to ensure the privacy of inmates when strip searches are conducted. Strip searches shall never be conducted as punishment or to purposely degrade and embarrass the inmate.
    - 2) Strip searches shall only be conducted by staff of the same sex as the inmate being searched. In addition, strip searches shall not be conducted in a manner or location that allows the inmate to be observed by any member of the opposite sex.
    - 3) Inmates shall be strip searched upon admission/commitment into the facility and before placement in a special management unit
    - 4) Staff may also conduct a strip search where there is a reasonable belief that contraband may be concealed on the person; a good opportunity for concealment has occurred or there is increased need for security. The following factors may be considered:
      - a) reliable information that the inmate possess contraband;
      - b) discovery of contraband in the inmate's living area;
      - c) a serious incident in which the inmate was involved or where the inmate was present;
      - d) refusal to be searched;
      - e) contact with the public, exposure to public areas or exposure to contact visits;
      - f) before and after escorted trips;
      - g) return to custody from community status;
      - h) Current charges or previous convictions for escape, possession of drugs or weapons, or crimes of violence; and
      - i) Current or historical institutional behaviors of contraband possession or refusals to be searched
  - c. **Non-Intrusive Searches.** Inmates are subject to searches using, magnetometers, electronic sensors, trace detection systems and other appropriate technologies which do not involve the physical penetration of body cavities.

d. **Intrusive Searches.**

- 1) A manual or instrument inspection of body cavities may be conducted only by qualified health care personnel in private upon written approval of the Warden or higher authority and when there is a reasonable belief that an inmate is concealing contraband in or on his/her person.
- 2) The least invasive form of search shall be conducted based on the circumstances which gave rise to the search
- 3) After consultation with the Warden or higher authority, the institutional physician may, based on medical requirements and other factors, refer the case to an appropriate outside health care facility.
- 4) A manual or instrument search shall not be conducted if the institutional physician determines that it is likely to result in physical injury to the inmate.
- 5) If contraband is found during a manual or instrument search, the Escort Officer shall secure the contraband in an evidence bag or other appropriate container and notify the Shift Commander. Proper documentation and chain of custody for the evidence shall be maintained.

- e. **Use of Canines.** Narcotic detection dogs shall be used to search inmates, their housing units and common areas within the facility at the direction of the Warden or designee. Searches shall be conducted as often as necessary to control and eliminate the possession of illegal drugs by inmates.

11. **DRY CELL STATUS.** When there is reasonable belief that an inmate has ingested contraband or concealed contraband in a body cavity and other methods of search are inappropriate or likely to result in physical injury to the inmate as determined by the facility medical staff, the Warden or designee may authorize the placement of an inmate in a dry cell to allow staff to closely observe the inmate. The inmate shall be held in the dry cell until the inmate has voided the contraband or until sufficient time has elapsed to preclude the possibility that the inmate is concealing contraband.

- a. Normally, The Warden or designee shall be contacted for authorization to place an inmate on Dry Cell Status. At times when the Warden or designee is unavailable, the Shift Commander, in consultation with facility medical staff, may authorize Dry Cell Status.
- b. The length of the Dry Cell Status will be determined on an individual basis. Ordinarily, the Shift Commander, in consultation with qualified health personnel, shall determine when termination of Dry Cell Status is appropriate.
- c. Dry Cell Status placements exceeding 72 hours shall be reviewed by the Major and the Deputy Warden for Operations in consultation with the Chief

Medical Officer. Placements exceeding seven (7) days must be reviewed and approved by the Warden or designee.

- d. The observing staff member shall be the same sex as the inmate and shall maintain complete and constant visual observation of the inmate. The inmate shall never be allowed freedom to move around unobserved, or be given the opportunity to dispose of any objects he/she may be concealing.
- e. Prior to placement of an inmate on Dry Cell Status, the cell to be used shall be completely searched and determined to be free of contraband. Potential hiding places, if any, for contraband shall be noted.
- f. If the designated area is equipped with a toilet and/or sink, the water to the cell shall be shut off prior to the inmate's placement in the cell. The water shall remain off for the duration of the dry cell process. Inmates will be provided with hand sanitizer.
- g. The Zone Lieutenant shall ensure staff have reviewed the Post Orders prior to assuming the Dry Cell Post. If it is necessary for the staff member to leave the area for any reason, the Zone Lieutenant shall be contacted to provide a staff member for relief. The Zone Lieutenant shall brief that person of his/her responsibilities. The inmate must not be left unobserved for any reason.
- h. The supervisor responsible for initiating the Dry Cell Status placement shall advise the inmate of the conditions and of what is expected. This notification is to be witnessed and documented in the shift log and the inmate's record.
- i. A daily log and special housing unit record shall be maintained on each inmate in Dry Cell Status.
- j. Inmates placed on Dry Cell Status shall be strip searched prior to placement in the dry cell and issued a jump suit (or other suitable loose-fitting clothing). The inmate shall be strip-searched and the cell thoroughly searched at least once each shift. Prior to each search, the Zone Lieutenant must be notified and a second person provided for back up.
- k. The inmate shall be required to provide a urine sample within two (2) hours of the Dry Cell placement.
- l. The light in the dry cell shall be kept on at all times.
- m. No inmate on Dry Cell Status may be allowed to come into contact with another inmate.
- n. The inmate shall not be allowed personal property while on Dry Cell Status, except legal and personal mail and a reasonable amount of legal materials when requested. Personal hygiene items will be controlled by staff.
- o. When the inmate is lying on a bed, the inmate shall be required to lie on top of the mattress in full view, weather and room temperature permitting. When necessary for the inmate to use cover, hands must remain visible at all times so the staff can observe any attempt to move contraband.

- p. Due to security concerns, the inmate shall not be permitted recreation outside of the cell.
- q. The inmate shall be served the same meals as those served to the general population unless medically contraindicated. All meals shall be inspected for contraband prior to delivery to the inmate. Any food remaining after the meal, as well as the utensils and tray, shall be thoroughly inspected before being sent back to Food Service.
- r. No medication shall be given to the inmate except for those prescribed and administered by medical personnel. No laxatives shall be given except natural laxatives, i.e., coffee, prune juice, etc.
- s. When the inmate needs to urinate and/or defecate, the inmate shall be furnished an empty hospital bedpan. Staff supervising the inmate shall notify the Administrative Lieutenant, who shall furnish a second staff member for supervision. Using rubber gloves and forceps or a tongue depressor, staff shall closely inspect the results to ascertain whether any contraband is present.
- t. When the inmate requests to shave, to brush teeth, wash hands or other such request, a wash pan and container of water and/or hand sanitizer shall be provided for use in the cell.
- u. The Zone Lieutenant shall be notified when contraband is found. The staff member finding the contraband shall secure the contraband in an evidence bag or other appropriate container. Proper documentation and chain of custody for the contraband shall be maintained.

## 12. **X-RAY, MAJOR INSTRUMENT, FLUOROSCOPE, OR SURGICAL INTRUSION**

- a. The institutional physician may authorize use of a fluoroscope, major instrument (including anoscope or vaginal speculum), or surgical intrusion for medical reasons only, with the inmate's consent. These procedures shall not be authorized for forensic purposes and must be performed by a qualified healthcare professional.
- b. Under normal circumstances, the institutional physician may authorize use of an x-ray for medical reasons only, with consent of the inmate.
- c. In unusual circumstances, when no reasonable alternative exists, and an x-ray examination is determined necessary for the safety, security, good order, or discipline of the institution, the Warden, or higher authority, may authorize the institutional physician to order a non-repetitive x-ray examination for the purpose of determining if contraband is concealed in or on the inmate (for example: in a cast or body cavity). The x-ray examination shall not be performed if it is determined by the institutional physician that it is likely to result in serious or lasting medical injury or harm to the inmate. Staff shall place documentation of the examination and the reasons for the examination

in the **inmate's medical file only**. Consent of the inmate shall be requested, but is not required under these circumstances.

- d. For purpose of this rule, theoretical harm which might result from a single x-ray exposure does not constitute a situation likely to result in serious or lasting medical injury or harm to the inmate.
- e. The Warden may direct x-rays of inanimate objects where the inmate is not exposed.

### 13. **SEARCH OF INMATE HOUSING AND WORK AREAS**

- a. Staff may search an inmate's housing, work area and inmate personal property contained within those areas, without notice to or prior approval from the inmate and without the inmate's presence.
- b. Searches of housing units, work areas and inmate personal property shall be conducted periodically. The Major shall schedule and document searches. The Warden or designee shall establish procedures to ensure that unannounced searches of all housing units and work areas are conducted frequently for the purpose of:
  - 1) Detecting contraband;
  - 2) Preventing escapes;
  - 3) Maintaining sanitary standards; and
  - 4) Eliminating fire and safety hazards.
- c. When there is a question of legitimacy of some religious article, the Chaplain shall be consulted.
- d. Housing Unit searches shall be conducted at least daily on all three (3) shifts. Staff shall maintain written documentation of each cell and area searched within the individual housing unit.
- e. Work areas shall be searched each workday by shop supervisors, and these inspections shall be supplemented with periodic searches by regular search teams.
- f. Inmate program and recreational areas shall be searched on a daily basis. Staff shall maintain written documentation of these searches.
- g. Staff conducting searches shall leave the housing, work or program area, to the extent possible, in the same condition as it was before the search.

### 14. **MASS SHAKEDOWNS**

- a. At least one mass shakedown shall be conducted at the CDF each quarter.
- b. Mass shakedowns may be conducted consistent with routine search procedures, in response to an incident or based on intelligence.

- c. Mass shakedowns requiring the services of the Emergency Response Team shall be authorized by the Deputy Director.

**15. INMATES SUSPECTED OF NEW CRIMES**

- a. Except in circumstances where there is a clear threat to safety and security, searches conducted when an inmate is suspected of a new crime must be authorized by the Warden or designee.
- b. When searches are conducted without prior authorization, the Warden or designee shall be notified as soon as practicable after the search and provided with complete details.
- c. All searches will comply with the law and Constitutional requirements. If there is a question about the legality or constitutionality of a search, the Warden or designee shall consult with General Counsel or United States Attorney's Office for clarification before authorizing the search.
- d. All items confiscated as a result of the search shall be preserved as evidence. A chain of custody form shall be completed and the evidence shall be marked and/or tagged. All relevant security procedures shall be followed to ensure the integrity of the evidence.

  
Devon Brown  
Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

OPI: SEC  
Number: 5010.3D  
Date: February 29, 2008  
Supersedes: 5010.3C  
Subject: Contraband Control

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1. **PURPOSE AND SCOPE.** To establish procedures designed to prevent the introduction and trafficking of contraband within the DC Department of Corrections (DOC), Central Detention Facility (CDF)
2. **POLICY.** It is the DOC policy to minimize the possession and introduction of contraband into the facilities and to detect it when present in the facilities.
3. **APPLICABILITY.** This directive is applicable to all DOC employees, inmates and individuals who enter a DOC facility.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. The security, safety and orderly operation of the CDF will be maintained.
  - b. A regular system of searches and inspections will be implemented to prevent the introduction and trafficking of contraband.
  - c. Appropriate sanctions will be levied against any individual who attempts to introduce, introduces or traffics contraband within DOC facilities.
5. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded**

PS 5010.3B	Contraband Control
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  - b. **Directives Referenced**
    - 1) PS 5009.2 Searches of Inmates, Inmates Housing Units, work and Program Areas
    - 2) PS 4080.1 Inmate Visiting Regulations
    - 3) DO 6050.2 Inmate Drug Testing

- 4) PS 5300.1 Inmate Disciplinary Housing and Administrative Housing Procedures

6. **AUTHORITY.** D.C. Code § 24-211.02, Powers; Promulgation of Rules [Formerly §24-442.]

7. **STANDARDS REFERENCED**

- a. American Correctional Association 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-3A-01.
- b. American Correctional Association 4<sup>th</sup> Edition Performance Based Standards for Adult Local Detention Facilities 4-ALDF-2C-01; 4-ALDF-2C-04 and 4-ALDF-2C-06.

8. **NOTICE OF NON-DISCRIMINATION.**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

9. **Definitions.** For the purpose of this order, the following definitions apply to items possessed by inmates:

a. **Major Contraband** – Major Contraband includes but its not limited to:

- 1) Knives, blackjacks, guns, home made weapons, any other weapon, tool, roping, civilian clothing, service uniforms of any kind, flammable substances or syringes, vessels containing urine, feces or other body fluid.
- 2) Any illegal drug or controlled substance unless prescribed by a physician.
- 3) Smoking materials (i.e., matches, lighters) and/or tobacco products.
- 4) Any unauthorized locking device, key, lock pick or other device capable of destroying, altering, interfering with or damaging any security equipment.
- 5) Cellular telephones and accessories.

- b. **Serious Contraband** – Serious Contraband includes but is not limited to:
  - 1) Making, attempting to make, or usage of any intoxicating beverage.
  - 2) Currency or coins.
  - 3) Chewing gum.
- c. **Minor Contraband** – Any article, other than those defined as major or serious contraband which is not issued by the Institution, not purchased from the Canteen or not specifically authorized by the Department of Corrections.
- d. **Nuisance Contraband** - Any authorized item(s) maintained by inmates which, when stored in excess, may create a health, safety or fire hazard. In addition, any authorized item which has been altered from its original form or used for a purpose other than originally intended is contraband.

## 10. Procedures

### e. **Accountability and Storage of Contraband**

When any DOC employee discovers Major or Serious Contraband as outlined above, that employee will:

1. Confiscate the item;
2. Notify his/her supervisor of the discovery;
3. Document on a DCDC 1 form who the contraband item was taken from, the location and time of the discovery, and the immediate action taken;
4. The Shift Supervisor will then take it to the Command Center or other designated area and place it in a plastic contraband bag. The bag will be labeled with the following information:
  - a. A description of the Contraband item;
  - b. Where the Contraband item was found;
  - c. The name of the inmate/resident/student suspected of having the Contraband;
  - d. The name of the victim (if applicable);
  - e. The rank and name(s) of the employee(s) recovering the Contraband item;

- f. The date and time of recovery; and
  - g. The recovering employee(s) signature verifying that all information on the label is correct.
5. Complete a Chain of Custody Form (Attachment 2)
  6. Assign the contraband item a number in accordance with the sequential numbering located on the Contraband Log.
  7. After the Contraband item has been properly labeled and the plastic bag sealed, the contraband will be secured in the contraband locker.
  8. Complete the Contraband Log.
  9. Prepare an inmate disciplinary report, if necessary.
- f. If any Contraband is suspected to be a controlled substance, it will be tested on-site prior to placement in a plastic bag and a chain of custody label attached. The Office of Internal Affairs shall be notified.
  - g. If the confiscated Contraband item is suspected to have been used in a crime and/or if criminal charges are anticipated, the Shift Commander will notify the Office of Internal Affairs.
  - h. Drugs, weapons and other major contraband shall be held until turned over to another law enforcement agency or until final disposition of any criminal or administrative proceeding.
  - i. Confiscated monies are to be recorded on the contraband log, including the serial number of the money, photocopied, and turned into the Inmate Finance Office. The Inmate Finance Office will be required to sign the Chain of Custody Form to indicate receipt. The monies will then be deposited into the DC General Fund.
  - j. All confiscated medication will be returned to the Medical Department for identification. The Medical department will then follow all legal guidelines as to the proper procedure for the handling of confiscated medication.
  - k. Department property seized as contraband shall be inventoried and returned to the appropriate location (i.e. Receiving and Discharge, Recreation, Supply etc.)
  - l. Nuisance contraband shall be inventoried and disposed of in a secure dumpster, compactor or by other appropriate method.
  - m. Each time a contraband item is released or received each person receiving and releasing the contraband will be required to record the date, reason for transfer, and signature on the Chain of Custody Form. The Chain of Custody Form will be maintained by the Facility Security Supervisor.

## 11. STORAGE

- a. A secure locker/safe shall be identified and used to store contraband. This locker/ safe shall be located in an area accessible to supervisors on all shifts.
- b. The keys and/or combination to the contraband locker/safe shall be restricted. Only the Facility Security Supervisor or other person/persons designated by the Warden shall be permitted access to the keys and/or combination.
- c. All items placed in or removed from the contraband safe shall be recorded on the contraband log (Attachment 1)
- d. The Facility Security Supervisor shall maintain an accurate inventory of all items maintained in the safe.
- e. The Facility Security Supervisor will ensure that all Chain of Custody Reports are complete and accompany each item of contraband. The Facility Security Supervisor will ensure that the Contraband Log is accurate and complete.
- f. The Facility Security Supervisor will make daily checks of the contraband locker to ensure accountability of the contraband.

## 12. Disposal of Contraband

- a. The date of disposal will be indicated on the contraband log along with the disposing authority's signature and method of disposal.
- b. Disposal of contraband will be witnessed and verified by at least one (1) additional staff member. The witnessing staff member will initial the contraband log that disposal was completed.
- c. When approved for disposal by the Warden, contraband weapons shall be rendered safe and disposed of in a secure dumpster, compactor or by other appropriate method.
- d. Contraband drugs shall be recorded on form PD 81. The Chief of Internal Affairs will be contacted to arrange for pick up and disposal by Metropolitan Police Department.

  
Devon Brown  
Director



## DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

OPI: SEC  
Number: 5020.1B  
Date: March 6, 2007  
Supersedes: 5020.1A  
Subject: Entrance & Exit  
Procedures

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1. **PURPOSE AND SCOPE.** To establish procedures for the control of both pedestrian and vehicular traffic entering and exiting the Central Detention Facility (CDF).
2. **POLICY.** It is the policy of the Department of Corrections (DOC) that entry to and exit from the CDF be tightly controlled and that staff assigned to entry/exit points identify and screen all persons passing through their posts.
3. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Inmates will remain in custody and live and work in a safe, secure and orderly environment.
  - b. Contraband will be controlled.
  - c. Escapes will be prevented.
  - d. Staff shall employ all necessary measures to ensure that all personnel, vehicles and property entering the CDF are thoroughly searched.
  - e. All staff, inmates and visitors will be properly identified prior to entering and exiting the CDF.
4. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded - None**
  - b. **Directives Referenced**
    - 1) PS 1280.2B "Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences"
    - 2) PS 1310.5 "Facility Tours"
    - 3) DO 1340.2A "Relationship with the Media",
    - 4) PS 4080.1B "Inmate Visiting Regulations",
    - 5) DO 4160.3C "Attorney-Client Relationship",

- 6) PS 5010.2B "Inmate Accountability",
- 7) PS 5010.3B "Contraband",
- 8) District of Columbia Personnel Manual, Chapter 16

5. **AUTHORITY.** D.C. Code § 24-211.02, Powers; Promulgation of Rules

6. **STANDARDS REFERENCED**

- a. American Correctional Association 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-3A-01
- b. American Correctional Association 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities: 4-ALDF-2A-07; 4-ALDF-2C-01

7. **NOTICE OF NON-DISCRIMINATION.**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

8. **DEFINITIONS.** For the purpose of this directive the following definitions apply:

- a. **Administrative Leave** – An agency head may place an employee, against whom a corrective or adverse action is proposed, on excused absence with full pay and benefits that is not charged to annual leave, sick leave, or leave without pay in accordance with Chapter 16, §1608, of the District Personnel Manual (DPM).
- b. **Enforced Leave** – An agency head may place an employee, against whom a corrective or adverse action is proposed, on involuntary annual leave, compensatory time authorized and recorded on the appropriate time and attendance reports, or leave without pay, as applicable, as provided in Chapter 16, § 1615 of the DPM.
- c. **Summary Suspension** - An agency head may summarily suspend an employee, against whom a corrective or adverse action is proposed, in accordance with DPM Chapter 16, § 1616. An employee who is notified by written or oral directive of a summary suspension from his or her position pursuant to Chapter 16, §1616.2 of

the DPM shall immediately leave his or her duty station and/or District government facility.

- d. **Sallyport** – A Sallyport is an entry/exit point consisting of two doors or gates with a security zone or vestibule in between. When employing the sallyport principle, only one door or gate at a time may be open.
- e. **Official Visitor** – Any DOC employee; Officer, Agent or Representative of a Government Agency; Consultant, Contractor or Volunteer who is approved to enter a DOC facility to conduct official government business or provide a service to the DOC.
- f. **Visitor** – Any person who enters a DOC facility for any reason other than to conduct official government business or provide a service to the DOC. Examples include but are not limited to inmate visitors, tour participants etc.
- g. **Inspectors** – Any DOC employee or official visitor who enters a DOC facility for the purpose of conducting an inspection required by law, regulation, policy or standard.

## 9. RESPONSIBILITIES

- a. The Warden is responsible for:
  - 1) Ensuring compliance with the requirements of this directive; and
  - 2) Reviewing and approving/disapproving requests for special visits and activities
- b. Shift Supervisors are responsible for:
  - 1) Ensuring compliance with the requirements of this directive;
  - 2) Resolving day to day operational issues concerning entry/exit procedures; and
  - 3) Testing metal detectors and other electronic scanning devices on a daily basis
- c. Sallyport, staff entrance and checkpoint officers are responsible for:
  - 1) Identification and accountability for all persons and vehicles entering and exiting during their tour of duty;
  - 2) Conducting searches of persons, property and vehicles; and
  - 3) Public relations

## 10. ENTRY PROCEDURES

- a. **Official Visitors**
  - 1) DOC personnel, FBI agents, U.S. Marshals, Immigration and Naturalization Service staff, elected officials and other official visitors shall be required to

present a valid official photo identification and sign in the "Visitors Log" (Attachment 1) that is maintained at the checkpoint or designated staff entrance post. The escorting staff member shall also be recorded in the log.

- 2) All law enforcement personnel requesting entry into the institution, regardless of assigned duties or business at the facility, shall be screened and asked if they are in possession of firearms, ammunition or other prohibited weapons. Firearms, ammunition and other prohibited weapons shall be secured in the locked gun box at the Sallyport prior to admission to the facility. Shotguns, rifles and other weapons too large to fit in the gun box shall be secured in the base of the tower.
- 3) With the exception of Fire and Emergency Medical Services personnel responding to 911 calls in the facility, all official visitors and DOC staff shall submit to a pat and metal detector search when entering the institution.
- 4) With the exception of DOC Employees and Fire and Emergency Medical Services personnel responding to 911 calls in the facility, following proper identification and registration, all official visitors shall surrender their photo identification card to the checkpoint officer and shall be issued a visitor's pass to wear inside the facility. DOC Employees shall wear their Department identification card conspicuously displayed at all times while in the facility.
- 5) Official visitors are only authorized to exit through their point of entry.
- 6) The names of contractors and volunteers and copies of their official visitor authorization documents shall be maintained in the Command Center.
- 7) Official Visitors with authorized packages, equipment cases, toolboxes, etc. (including service & repair personnel) shall have these items examined and inventoried, prior to entering the institution. This inventory (Attachment 2) shall be retained at Checkpoint for verification of the tools, equipment and/or other items upon the visitor's departure. Any discrepancies shall immediately be reported to the Shift Supervisor. The Checkpoint Officer shall inform visitors prior to entering the facility, that he/she and the escorting staff member shall be responsible for the security and custody of the tools, equipment and/or other items during the period of time they are inside the institution. The escorting staff member may assist with the inventory of items prior to the person entering the institution.

**b. Legal Visits**

- 1) Attorneys, para-legals, investigators or other agents of an inmate's attorney(s)-of-record may visit their clients in accordance with the procedures outlined in PM 4160.3D.
- 2) All entry and search procedures for official visitors shall apply to attorney(s)-of-record and their agents. Staff conducting searches of attorney(s) and their agents are strictly prohibited from reading correspondence, files or other legal documents during the search process.

- 3) Attorney(s) and their agents who wish to bring in tape recorders, cameras or other similar equipment but must obtain prior approval from a Shift Supervisor. Laptop computers do not require prior approval.

**c. Inmate Social Visits**

- 1) Persons requesting entry for a social visit with an inmate shall be processed through the visitor's entrance in accordance with PS 4080.1C, "Inmate Visiting Regulations".
- 2) All inmate social visitors shall be recorded in the Inmate Visitors database, and shall be questioned by the Checkpoint Officer, as to whether they are in possession of narcotics, weapons, ammunition, alcohol, prescription drugs, cameras, magazines, newspapers, or other forms of contraband, prior to their admission to the institution. At the visitors checkpoint, all inmate social visitors shall also be directed to read all posted notices and instructions regarding visiting regulations.

**d. Tour Groups**

- 1) All groups desiring to visit a facility must have the approval of the Office of Communications and the Warden. Tours shall be conducted in accordance with the provisions of PS 1310.5.
- 2) All members of tour groups are subject to the identification and search procedures contained in the "Checkpoint Procedures" section of this directive.
- 3) At the checkpoint, all tour group members shall also be directed to read all posted notices and instructions regarding visiting regulations.
- 4) All members of tour groups shall sign in the visitors logbook, surrender their photo ID and be issued a visitor's badge prior to entering the institution.

**e. Media Visits**

- 1) All visits by members of the media shall first be approved by the Office of Communications and the Director in accordance with PS 1340.2A.
- 2) All entry and search procedures for official visitors shall apply to members of the media.
- 3) Requests to bring cameras and recording equipment into the facility must be approved in advance by the Office of Communications and the Director.

**11. SALLYPORT PROCEDURES**

- a. The Sallyport Officer shall maintain a complete record of all vehicles entering the Sallyport. The record (Attachment 3) shall include the driver/passenger name, company/agency represented, vehicle contents, date and time in, date and time out and vehicle tag number.

- b. The Sallyport Officer is responsible for the proper and accurate identification of all official visitors, truck drivers, delivery personnel, inmates and employees passing through the Sallyport. If the Sallyport Officer has doubts about the identity of any person who seeks to pass through, the officer shall not permit the person to pass until positive identification has been established or a shift supervisor or higher authority authorizes passage.
- c. The procedures utilized at the Sallyport for identification and admission of visitors shall be the same as those required for checkpoint entrances/exits as outlined in sections 10 and 12 of this directive.
- d. The Sallyport Officer shall thoroughly search each vehicle, prior to entering and exiting the facility to prevent unauthorized entry, introduction of contraband and escapes.
- e. Vehicles shall never be left unsecured for any reason while inside of the facility perimeter. Both the cab and cargo compartments of the vehicle must be secured.
- f. All vehicles leaving the facility shall stop at a designated spot outside the inner gate. The Sallyport Officer and/or Tower Officer shall determine that neither the driver or the escorting staff member is under duress before allowing the vehicle to enter the Sallyport.
- g. Any vehicle leaving the facility shall be thoroughly searched. When vehicles are loaded in such a manner that they cannot be properly searched they must be secured in the Sallyport or kept under direct observation until the next regularly scheduled count clears before being allowed to leave.
- h. All trash trucks shall be required to compact their load before entering the Sallyport.
- i. A secure gun box shall be maintained at the sallyport for securing firearms, ammunition and other weapons. Shotguns, rifles and other weapons too large to fit in the gun box shall be stored in the base of the tower.

## 12. CHECKPOINT PROCEDURES

- a. The checkpoint officer shall positively identify all persons entering and exiting the facility through the checkpoint. This includes, but is not limited to, official visitors, employees, inmate social visitors, attorney(s)-of-record and their agents, tour groups and inmates.
- b. All persons entering a DOC Facility shall present a DOC identification card or a valid picture identification card issued by a government agency (i.e. driver's license, non-drivers identification card, military identification card, government employee identification card). Any exceptions to this procedure shall be approved by the shift commander or higher authority.
- c. If the identity of any person is in question, he/she shall not be permitted to enter or exit the institution until they have been properly and positively identified.

- d. A visitor's log shall be maintained at each checkpoint to record the visitor's name, purpose for visit, time in/out, the person or area visited and escort officer's name. (Attachment 1)
- e. All persons entering the CDF shall be searched. This may consist of a pat search of their person, a search of any property in their possession, screening with metal detectors or other electronic devices, vehicle searches and K-9 searches. **Strip searches of employees, official and unofficial visitors are strictly prohibited.**
- f. Any person refusing to be searched shall be denied entry.
- g. All official and unofficial visitors shall be instructed to read the posted signs and instructions.
- h. Dress Code:
  - 1) Official and unofficial visitors may wear informal business or casual attire. Law enforcement officers or agents may wear their normal duty uniform or Attire;
  - 2) Workmen may wear appropriate work clothing; and
  - 3) Generally, any attire considered inappropriate for inmate social visitors under the provisions of PS 4080.1B is prohibited. In cases where the appropriateness of a visitors attire is in question, a supervisor shall be called to make the final determination.

### 13. ESCORT PROCEDURES

- a. Unofficial visitors shall be under escort and/or direct staff observation at all times.
- b. The name of the visitor's escort shall be recorded in the Visitor Log indicating escort responsibilities.
- c. Any visitor entering into areas where inmates are housed shall be escorted at all times.
- d. All inmate work details that pass through the Checkpoint or Sallyport shall be escorted. An inmate detail log (Attachment 4) shall be maintained to record the inmate's name, DCDC number, time out and in, escorting officer's name and detail assignment. A valid activity pass and inmate I.D. must be presented for each inmate.

### 14. EXIT PROCEDURES

- a. No person shall be allowed to exit the CDF until they have been positively identified by comparing the person to their photo identification card.
- b. If there is any question regarding the identity of a person, a Shift Supervisor shall be contacted. The person shall not be allowed to exit until the question has been resolved.

- c. After identification is confirmed, the visitor shall surrender the visitor pass and retrieve their identification card.
- d. Official visitors shall sign out in the visitor logbook.
- e. Visitors with packages, equipment cases and toolboxes shall submit these items to the escort Officer for inspection and inventory before being allowed to exit. In case of a discrepancy a supervisor shall be contacted. All discrepancies must be resolved before the visitor is allowed to exit.
- f. When the requirements listed in items “a” through “e” above have been met, the Checkpoint Officer shall authorize the Tower or Entrance Officer to allow the person/persons to exit the facility.

**15. AUTHORIZED ITEMS FOR EMPLOYEES AND OFFICIAL VISITORS.** With the exception of the items listed below, staff are prohibited from bringing in personal items that are not essential to the performance of their duties:

- a. Small purses and/or wallets sufficient in size to carry personal identification, Department identification card, keys, and feminine hygiene items.
- b. Standard briefcases containing only work related material. Books, magazines, newspapers and other non-work related materials are prohibited.
- c. Prescription and over the counter medications in daily dose quantities.
- d. Single serving meals in clear plastic containers only.
- e. Beverages in unopened plastic containers only.
- f. Equipment for use by DOC employees and official visitors while conducting audits and inspections. These items include, but are not limited to, cameras, laptop computers, tape recorders, thermometers, light meters and gauges.
- g. Department issued pagers, cellular telephones, lap-top computers and other electronic equipment used by the employee in the performance of his/her official duties. The Warden is delegated authority to authorize an employee to bring in a personal pager or cellular telephone. If granted, permission must be in writing and on file at the staff entrance.

**16. ACCESS RESTRICTIONS FOR STAFF RELIEVED OF OFFICIAL DUTIES**

- a. Staff who have been officially relieved of their official duties as described in the “definitions” section of this directive shall not have access to the CDF without prior authorized approval from the Director or designee.
- b. The Director or designee who notifies the employee of placement on administrative leave, enforced leave, summary suspension or summary removal, shall advise the employee of access restrictions in accordance with this directive.

- c. The Deputy Director shall ensure that the CDF Warden is notified of employees who have been relieved of their official duties.
  - d. The Warden shall ensure that written notification, including a photograph of the employee, is maintained at all entry points and that this information is passed on to each employee who assumes responsibility for the post.
  - e. If the work status of any person is in question, the employee shall not be permitted to enter until the Shift Supervisor or higher authority obtains authorization in accordance with this directive.
  - f. If the employee is granted authorization to enter the facility he/she shall:
    - 1) Be positively identified;
    - 2) Sign in the visitor log book;
    - 3) Submit to a pat and/or metal detector search; and
    - 4) Surrender their picture ID card and be issued a visitor pass
  - g. The employee shall be escorted by a supervisor and only to the place(s) that were approved when the authorization was obtained.
  - h. The employee shall remain under supervision during the entire visit and shall not be allowed access to DOC records or equipment unless the Director or designee gives specific authorization.
  - i. If the employee refuses to cooperate with the procedures herein, the Shift Supervisor shall be notified and the employee shall be subject to immediate escort out of the facility.
  - j. If the employee is ejected from the facility or is disruptive prior to or when denied entry, notification shall be made in accordance with PS 1280.2B, "Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences".
  - k. Former employees who have been terminated or retired shall only enter DOC facilities when acting in an approved official capacity or when processed and approved in accordance with policy governing visits and visitors. For example, a separated employee who is now a contractor, vendor or volunteer.
17. **EMERGENCIES.** Anytime the emergency alarm is activated, or other emergency notification is made/received of an emergency in the institution, the Checkpoint Officers are to terminate the processing of visitors in or out of the institution until the emergency has cleared. Only the Warden or designee may give authorization for any visitor(s) to enter or exit the facility during emergency situations.
18. **HOSTAGES.** Employees shall not, under any circumstances, take orders from, heed the instructions or otherwise act under the direction of any person or persons who appear to be a hostage or acting under duress, regardless of rank or position. Under no circumstances shall an inmate(s) be permitted to affect an escape from the institution by using a hostage(s) or under threat of a hostage situation.

19. **PUBLIC RELATIONS.** Staff assigned to the Entrances and the Control Center positions are the first to be encountered by the public; therefore, they must reflect high standards of professionalism. The Checkpoint Officers should not only present a good appearance, but should always handle all visitors tactfully and diplomatically. Checkpoint Officers shall wear the full uniform of the day and they shall display their badge and nametag. Officers conducting physical inspections of vehicles, cargo, etc. may be permitted an authorized coverall uniform.
20. **METAL DETECTORS.** The Security Supervisor or designated Shift Supervisor shall be responsible for testing the operation of all metal detection devices daily and noting checks in the log books provided at checkpoint.



Devon Brown  
Director

**Attachments**

1. Visitors Log
2. Visitor Inventory Form
3. Sallyport Log
4. Inmate Detail Log



## DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

OPI: SECURITY  
Number: 5022.1C  
Date: February 28, 2007  
Supersedes: 5022.1B  
Subject: Tool Control

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1. **PURPOSE AND SCOPE.** To establish effective policy for the supervision, accountability and control of tools stored and/or used within the DC Department of Corrections (DOC).
2. **POLICY.** It is the policy of DOC to ensure that tools are controlled in the most efficient manner in order that safety and security are maintained at all times.
3. **APPLICABILITY.** This policy applies to all DOC employees. All employees are responsible for reading this policy and ensuring that tool control procedures are observed in their respective work areas.
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Safety, security and the orderly operation of the facility will be enhanced by minimizing improper access to and use of tools.
  - b. Tools will be accounted for at all times.
  - c. Tools will be stored in secure locations.
  - d. Accurate inventories of tools will be maintained.
5. **NOTICE OF NON-DISCRIMINATION**
  - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
  - b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

6. **DIRECTIVES AFFECTED**

a. **Directive Rescinded.** None

b. **Directives Referenced**

- 1) PS 1280.2B Notification and Reporting Procedures for Significant Incidents and Extraordinary Occurrences
- 2) PS 2000.2A Retention and Disposal of Department Records
- 3) PS 5020.1A Entrance and Exit Procedures

7. **AUTHORITY.** D.C. Code § 24-211.02, Powers; Promulgation of Rules

8. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA), 2<sup>nd</sup> Edition, Standards for Administration of Correctional Agencies: 2-CO-3A-01.
- b. American Correctional Association (ACA), 4<sup>th</sup> Edition, Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-2D-02 and 4-ALDF-2D-03.

9. **DEFINITION.** For the purpose of the Program Statement, the following definition shall apply:

**Tool** - Any implement, instrument or utensil designed for a particular kind of work, i.e., cutting, hitting, digging, rubbing, by directing manually applied force or by means of a motor; or the cutting or shaping part of a power-driven device, as a drill bit or band saw blade.

10. **TOOL CLASSIFICATION.** The tool classification outlined in this policy system applies to all service areas. All tools shall be appropriately classified under one of the following three headings:

a. **Class “AA” Tool.** The Class “AA” tool group includes those tools deemed too dangerous for an inmate to handle without constant and direct visual staff supervision. The following items are classified as Class “AA” tools:

- 1) Metal Cutting Blades
- 2) Cutting Torch Regulators and Tips
- 3) Bolt Cutters
- 4) Ramset Gun and Ammunition (**STORED IN THE ARMORY ONLY**)
- 5) Any Diamond Tipped Tool
- 6) Core Drills

- b. **Class “A” Tool.** The Class “A” tool group includes those tools most likely to be used in an escape or escape attempt, to manufacture or serve as weapons capable of doing serious bodily harm or as being hazardous to facility security or personal safety. The following are examples of Class “A” tools:
- 1) Screwdrivers
  - 2) Hammers
  - 3) Chisels
  - 4) Wrenches
  - 5) Saws
  - 6) Pliers
- c. **Class “B” Tool.** The Class “B” tool group includes non-hazardous tools. The following are examples of Class “B” tools:
- 1) Shovels
  - 2) Rakes
  - 3) Paint Brushes
  - 4) Caulking Guns
  - 5) Test Meters
  - 6) Trowels

## 11. TOOL IDENTIFICATION

- a. The Tool Control Officer shall mark all tools assigned to each shop or work/storage location with a unique identification symbol.
- b. Tools that cannot be marked without damage, such as surgical instruments, micrometers and small drill bits, shall be inventoried and kept in locked storage when not in use.

## 12. TOOL STORAGE

- a. **Class “AA”.** Class “AA” tools shall be removed from the facility at the end of each workday, or stored in a combination safe inside of the Class “A” tool room, the Armory or the Command Center vault. If stored in a safe inside of the Class “A” tool room, shadow boards are not required.
- b. **Class “A”.** All Class “A” tool storage areas shall be secured behind at least two locked doors/gates. When the Class “A” tool room is inside the Class “B” tool room, the lock on the Class “B” tool room door serves as one of the two required locks for the Class “A” tool room.

- c. **Class "B"**. All Class "B" tool storage areas shall be secured behind at least one locked door or gate.
- d. **Shadow Boards**
  - 1) With the exception of Class "AA" tools stored in a combination safe, a shadow board shall be used to store any tool that can be mounted. Only one tool or tool set shall be kept on each shadow and the shadow must be identical to the tool in size and shape.
  - 2) All shadow boards shall have white backgrounds.
  - 3) Class "AA" tool shadows shall be bright yellow. Class "A" tool shadows shall be red and Class "B" tool shadows shall be black.
  - 4) All shadow boards accessible to inmates shall be caged with expanded metal and locked. Ladders shall be secured to a stationary object, in the horizontal position if possible, with an approved chain and padlock.
  - 5) In the event a tool is no longer used and is subsequently removed from the inventory, the corresponding shadow shall be removed immediately from the shadow board.
  - 6) Tools not adaptable to a shadow board shall be kept in a locked drawer, cabinet or a secure metal toolbox with a lock or secured cage. Toolboxes shall be shadowed on the floor or shelf where they are stored.

### 13. TOOL INVENTORIES

- a. **Tool Control Officer.** The Tool Control Officer shall:
  - 1) Appropriately mark and inventory all tools prior to issuance. Tools that are a part of a set or are sized sequentially by standard increments can be in a single listing, provided the total number of pieces in the set is contained in the description and each piece is marked.  
  
For example: Drill bit set, five pieces, metal/wood    1/32" – 1/2"
  - 2) Ensure that a current Master Tool Inventory (Attachment 1) of all tools stored in the facility is maintained. The Master Tool Inventory and corresponding shop tool inventory shall be updated when tools are procured, lost or surveyed.
- b. **Quarterly Inventory.** Shop foremen and the Tool Control Officer shall conduct formal quarterly inventories, utilizing the Master Tool Inventory, and certify their accuracy. A correctional supervisor shall supervise this inventory. The inventories will be forwarded to the Major for Operations for review.
- c. **Annual Inventory.** The Tool Control Officer shall conduct a formal Master Tool Inventory at least annually. This inventory shall be forwarded to the Major for Operations for final review. The Major will retain the Master Tool Inventories as required by PS 2000.2A, "Retention and Disposal of Department Records."

14. **SUPERVISORY ACCOUNTABILITY.** Supervisors and employees in charge of shops and other areas where tools are used and stored shall:
- a. Ensure that all tools are accounted for at the end of each workday.
  - b. Maintain an accurate printout from the Master Tool Inventory of all tools assigned to their shop or location. All toolboxes and tool carts shall contain an accurate inventory of the tools contained in the toolbox or cart.
  - c. Maintain accountability for all tools assigned to them at all times to include:
    - 1) Constant visual inventories of all shadow boards, tool cabinets and shelves.
    - 2) Inventories of toolboxes when they are issued and returned.
    - 3) Inventories of tool carts when they are issued and returned.
15. **SURPLUS TOOLS**
- a. Tools purchased or acquired from surplus property shall be stored in the designated secure storage area.
  - b. The Tool Control Officer shall maintain an accurate inventory of all unmarked or excess tools that have been returned to secure storage for issue or reissue.
  - c. This information shall be recorded on the Excess and Unmarked Tool Inventory Form (Attachment 2).
  - d. The Tool Control Officer shall be the only employee authorized to draw tools from this source.
16. **TOOL CONTROL FILES**
- a. The Tool Control Officer shall maintain a file for each shop and other location where tools are stored.
  - b. This file shall contain Quarterly inventories, annual inventories, lost/recovered tool reports and any other pertinent information.
  - c. When any addition or deletion is made to the inventory, **the old page shall not be destroyed.**
17. **CONTRACTORS**
- a. Contractors shall be required to comply with all procedures set forth in this Program Statement.
  - b. The Tool Control Officer shall ensure that contractors receive a formal, documented orientation on Tool Control procedures.

- c. Staff assigned to the Sally Port and Staff Entrance shall ensure that all tools brought into the facility by contractors are inventoried and accounted for as required by PS 5020.1A, Entrance and Exit Procedures.
  - d. Contractors performing maintenance, repairs or construction work shall submit the Daily Construction Tool Inventory (Attachment 3) to the Tool Control Officer prior to being authorized entry to the facility. The original inventory shall be filed in the Tool Control Officer's file. The Security Office and the Major shall maintain a copy. A copy shall be left at the Tower/Sally Port.
  - e. A staff member shall be assigned to escort contractors while in the facility to ensure that tool control procedures are followed.
  - f. Contractors shall conduct inventories of tools at the conclusion of each workday and certify in writing that all tools are accounted for.
  - g. When a contractor determines that a tool has been lost, he/she shall notify the Construction Officer immediately.
18. **ISSUANCE AND USE OF TOOLS.** Issuance of tools shall be documented using the Receipt of Tool Issuance Form (Attachment 4). All small hand tools utilized throughout the facility shall be carried on the person or in a secure metal toolbox equipped with a lock.
- a. **Class "AA" and Class "A" Tools**
    - 1) All Class "AA" and Class "A" tools shall be issued directly to designated DOC employees only and must be used under constant, direct, staff visual supervision.
    - 2) All ammunition for RAMSET Guns and other powder actuated fastening tools shall be stored in the facility armory. Staff requiring use of this equipment shall check them out from the Security Officer and return the same to the Security Officer, including spent loads upon completion of use.
    - 3) Each employee who draws tools shall be issued unique metal tabs. When the employee draws a tool, he/she shall surrender a metal tab. When a tool is issued from a shadow board, the tab shall be placed on the shadow corresponding to the tool. When a toolbox is issued, the tab shall be placed in the appropriate space on the shadow board. Tool issuance shall be documented using the Tool Cage Tracking Log (Attachment 5).
    - 4) The Major for Operations must approve the issuance of tools from any tool storage location to a specified project for extended periods.
  - b. **Class "B" Tools.** Class "B" tools may be used by inmates under intermittent supervision, but must be accounted for at the end of each work period by the Shop Foreman or Squad Supervisor.

**19. KITCHEN TOOLS**

- a. Issuance of culinary tools shall be recorded on the Culinary Utensil Log Sheet (Attachment 6)
- b. Issuance and return of kitchen knives shall be documented in the Culinary Log book.
- c. With the exception of knives, kitchen tools may be stored in the culinary unit in secure drawers, cabinets or on shadow boards.
- d. When in use, metal kitchen knives shall be secured to the cutting table with a metal cable.
- e. When not in use, metal knives shall be stored in the Culinary in a locked box.

**20. MEDICAL/DENTAL TOOLS**

- a. Due to their unique nature, color-coding or marking is not required on medical and dental tools.
- b. When not in use, medical and dental tools shall be secured, i.e., stored in locked cabinets or drawers. Employees in charge of medical and dental departments shall ensure that these tools are inventoried at each change of shift in accordance with the procedures set forth in this order.

**21. REPLACEMENT TOOLS.** When new tools are drawn for replacement, the old tool must be turned in so it may be surveyed and safely disposed of.

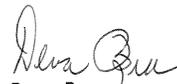
**22. BROKEN TOOLS**

- a. All broken or unserviceable tools shall be surveyed and disposed of in an appropriate and secure manner.
- b. The survey of broken or unserviceable tools shall be documented using the Tool Survey Form (Attachment 7).
- c. Accountability for tools scheduled to be surveyed shall be maintained until tools are actually disposed of. The Tool Control Officer shall be responsible for destroying or disposing of all surveyed tools.

**23. LOST TOOLS**

- a. When a Class "AA", Class "A" or Class "B" tool is lost, immediate verbal notification shall be made and followed up with written notification as required by PS 1280.2B, Notification and Reporting Procedures for Significant Incidents and Extraordinary Occurrences. A DOC Form 1 shall be completed the same day before the employee involved leaves the facility.

- b. The Security Officer shall maintain a file of Lost/Recovered Tool Reports (Attachment 8) and shall monitor them carefully for accuracy, frequency of losses from a particular employee, and search efforts for lost tools.
  - c. Any inmate(s) who may have had access to the tool shall be held at work or placed in the holding cage in front of Command Center until a thorough search has been made.
  - d. When a lost tool is recovered, a Lost/Recovered Tool Report shall be completed in its entirety and submitted to the Major for Operations the same day the tool is found.
24. **INMATE WORKERS.** Any inmate working on a detail squad where tools are used shall be searched prior to return to his/her housing unit at the end of the workday. If a tool is found on the inmate's person, he/she shall be subject to disciplinary action in accordance with the institutional disciplinary code.
25. **TRAINING.** The Training Administrator shall ensure that all employees receive pre-service training on the Tool Control policy and annual refresher training.



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Director

## ATTACHMENTS

- Attachment 1 - Master Tool Inventory Form
- Attachment 2 - Excess and Unmarked Tool Inventory Form
- Attachment 3 - Daily Construction Tool Inventory Form
- Attachment 4 - Receipt of Tool Issuance Form
- Attachment 5 - Tool Cage Tracking Log
- Attachment 6 - Culinary Utensil Log Sheet
- Attachment 7 - Tool Survey Form
- Attachment 8 - Lost/Recovered Tool Report



## DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

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**OPI:** SEC  
**Number:** 5320.1C  
**Date:** February 12, 2008  
**Supersedes:** 5320.1B (4/30/07)  
**Subject:** Key Control

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1. **PURPOSE AND SCOPE.** To establish policy and procedures to ensure a safe and secure method of issuing, controlling, distributing and accounting for keys within the District of Columbia Department of Corrections (DOC).
2. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. An accurate indexing system for all keys shall be maintained.
  - b. Staff shall account for all keys prior to assuming responsibility of their post and report any misuse, loss or the need to replace any keys assigned.
  - c. All keys, doors, gates and locks shall be identified and classified based on the level of security requirements, i. e., security, non-security and restricted.
  - d. Operational keys shall be issued from a centralized location.
  - e. Accurate records shall be kept regarding reproduction of keys and maintenance of all gates, doors, keys, locks and locking devices in the facility.
  - f. Keys shall be accounted for at all times.
3. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded.** PS 5320.1B Key Control (4/30/07)
  - b. **Directives Referenced.** PS 1280.2, "Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences", (9/15/00).
4. **STANDARDS REFERENCED**
  - a. American Correctional Association, 2<sup>nd</sup> Edition, Standards for Administration of Correctional Agencies 2-CO-3A-01.

- b. American Correctional Association, 4<sup>th</sup> Edition, Standards for Adult Local Detention Facilities 4-ALDF-2D-01

5. **AUTHORITY.** D.C. Code § 24-211.02, Powers; Promulgation of Rules

6. **NOTICE OF NON-DISCRIMINATION**

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

7. **DEFINITIONS**

- a. **Emergency Keys** – Keys used to unlock all doors, emergency exits, security and controlled access areas in case of an emergency situation. Emergency keys shall be marked to distinguish them by sight and touch from other keys.
- b. **Non-Security Keys** - Any key which, if lost, damaged or compromised, would not jeopardize the safety/security of the facility. These may include but are limited to keys to individual offices, desks, lockers, and file cabinets.
- c. **Permanent Issue Key** – Operational key assigned to a specific location or employee that remain on that location or with that employee on a permanent basis. Permanent Issue keys shall be marked to easily distinguish them from other keys.
- d. **Restricted Keys** - Keys to sensitive areas within the facility. These include but are not limited to the Security Office; Armory; Supply Unit; Culinary Unit; offices of the Warden, Deputy Wardens and Office Chiefs; Records Office; the Medical Unit; Facilities Management shops; padlocks for security gates and any other area in the facility designated, in writing, as restricted access by the Warden. Restricted keys shall be marked to easily distinguish them from other keys.
- e. **Security/Operational Keys** - Any key which if lost, damaged or compromised, would jeopardize the safety/security of the facility. Security keys shall be marked to easily distinguished them from other keys.

## 8. GENERAL PROCEDURES

- a. The Key Control Officer shall have overall responsibility for key control management. This includes maintaining the key inventory, issuance of keys, replacement broken or damaged keys and conducting monthly and quarterly key inventories.
- b. The Key Control Officer shall ensure that each key ring has a metal tag attached indicating the ring number on the front of the tag and the number of keys assigned to the ring on the back of the tag. Key rings shall be bonded prior to issuance to prevent unauthorized addition/removal of keys.
- c. Employees are strictly prohibited from, and may be disciplined for the unauthorized possession, duplication, alteration or other improper use of keys.
- d. Employees are strictly prohibited from taking security keys away from the facility grounds except when the keys have been assigned as permanent issue.
- e. The Shift Supervisor shall immediately contact and order an employee to return keys to the facility if that employee inadvertently carries a key ring off of the facility grounds.
- f. Inmates are strictly prohibited from possessing any key.
- g. Employees are prohibited from possessing personal restraint keys while on duty.
- h. Issuance of vehicle keys requires a current valid drivers license.
- i. Keys must remain on the person or properly secured at all times. Keys must be passed from hand to hand and shall never be tossed or thrown to another employee.
- j. The Major for Operations shall review inventories, shift reports, lost/misplaced key reports and other documents concerning key control procedures and taking appropriate action to ensure accountability for keys.

## 9. LOST/MISPLACED KEYS

- a. If a key is lost, the employee in control of the key shall immediately make verbal notification to a Shift Supervisor indicating when the loss was discovered, circumstances surrounding the loss, and providing any other pertinent information. The employee must submit a DCDC-1 form prior to the end of the shift in accordance with PS 1280.2. A copy of the report will be forwarded to the Key Control Officer and the Deputy Warden for Operations.
- b. Upon notification, the Shift Supervisor shall take any immediate and appropriate action if it is determined that the keys might be easily located.

- c. The Shift Supervisor shall conduct an investigation and forward findings and recommendation within 24 hours to the Warden or designee.
- d. When security keys are lost or when security locks are compromised for any reason, the Shift Commander shall notify the Major for Operations to determine whether steps need to be taken to secure the area and/or arrange for the locks to be changed or re-keyed.

## 10. KEY STORAGE

### a. General Procedures

- 1) Keys shall be systematically stored in secure key cabinets that provide an individual location for each key ring.
- 2) The facility shall maintain the following cross-indices of all keys, locks and padlocks:
  - a) An alpha-numerical listing of all keys referencing the key ring number and the location of the lock(s) that the key(s) operates.
  - b) An alpha-numerical listing of all locks in the facility referencing the key ring number that corresponds to the lock.
  - c) Key maps, floor plans and blueprints will be maintained indicating the location of all security locks in the facility.
  - d) These documents and or files shall be stored in a secure area, separate from the key cabinet.

### b. Restricted Keys

- 1) The Warden shall designate in writing which keys are to be considered restricted.
- 2) The Security Supervisor shall ensure that access rights in the Key Watcher system limits issuance of restricted keys to persons/positions designated by the Warden.
- 3) Keys assigned to the restricted key cabinet and shall only be issued to a supervisor or other employee designated by the Warden who shall be accountable for their use. A record shall be maintained of the issuance of restricted keys. In addition, a notation shall be made in the shift log indicating the reason for the issuance of the keys.

- c. **Pattern Keys** - A pattern key cabinet shall be maintained in the vault. This cabinet shall contain a pattern key for each lock in the facility. These keys are to be used as patterns for the reproduction of facility keys and are not for distribution. Pattern

keys must be secured behind two locked doors and will only be accessible to authorized staff.

- d. **Duplicate Keys** A complete duplicate set of keys to all facility locks shall be maintained in the vault . Duplicate keys must be secured behind 2 locked doors and will only be accessible to authorized staff.
- e. **Emergency Keys**
  - 1) A complete set of emergency keys to facility locks classified as fire and/or emergency locks shall be maintained in a location known by and easily accessible to Shift Supervisors.
  - 2) Another complete set of emergency keys shall be maintained in a secure key cabinet in the tower.
  - 3) Emergency keys and the locks that they operate shall be color coded for easy identification and notched to provide for identification by touch.
  - 4) Each emergency key cabinet shall contain:
    - a) An alpha-numerical listing of all keys referencing the key ring number and the location of the lock that the key operates; and
    - b) An alpha-numerical listing of all fire and emergency locks in the facility referencing the ring number of the key that fits the lock.
    - c) Color coded diagrams/floor plans of the facility showing the locations of all emergency doors/gates and identifying the key/key ring which opens each door/gate.
  - 5) If the emergency keys are accessed for any reason, the Major for Operations shall be notified and a notation shall be made in the shift log.
  - 6) If the emergency keys are issued due to an actual emergency, notification shall be made in accordance with P.S. 1280.2, "Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences"
- f. **Armory Keys**
  - 1) The armory keys shall be restricted and may only be issued to the Major for Operations, Facility Security Supervisor or other personnel approved in writing by the Warden.
  - 2) The armory keys shall be stored in a secure key cabinet located in the tower.
  - 3) In an emergency situation, the armory keys may be issued to a correctional supervisor. If the armory keys are accessed during an emergency, a notation shall be made in the shift log and notification will be made in accordance with

P.S. 1280.2, "Reporting and Notification Procedures for Significant Incidents and Extraordinary Occurrences".

11. **KEY ISSUANCE**

- a. All operational keys not designated as permanent issue shall be issued from centralized location(s) established by the Warden.
- b. The Warden shall approve issuance of all permanent issue keys in writing.
- c. All employees shall be assigned unique identifiers (PIN, Access Codes, etc.) which shall be recorded each time the employee is issued a key.
- d. The following information shall be recorded when keys are issued/returned:
  - 1) Employee identifier
  - 2) Date and time of issuance
  - 3) Date and time of return
  - 4) Key ring number
- e. When keys are maintained on post the officer assuming responsibility for the post shall inventory all keys at each change of shift. A signed inventory form shall be forwarded to the Command Center.
- f. Restricted keys shall only be issued to a supervisor or higher authority or other employee designated by the Warden. Issuance of restricted keys shall be documented in the shift log and the key log.

12. **KEY ACCOUNTABILITY**

- d. **Command Center.** The Shift Commander shall ensure that all operational, emergency and restricted keys are accounted for on each shift and documented in the shift report.
- b. **Post OIC's.** When keys are maintained on post, the Officer in Charge (OIC), prior to assuming and being relieved of the post, shall ensure that:
  - 1) All key rings are counted and the number of keys corresponds to the number assigned on the tag. Key inventories shall be forwarded to the Command Center.
  - 2) All keys are inspected for breaks, bends, wear or other damage.
  - 3) Key inventories and inspections shall be noted in the post log book.
  - 4) The Shift Supervisor is immediately notified of any discrepancies.

c. **Emergency Keys**

- 1) All emergency keys shall be inventoried by the Key Control Officer at least monthly.
- 2) If emergency keys are accessed due to an actual emergency, the Shift Commander shall ensure that an inventory is conducted and all keys are accounted for after the emergency has been resolved and the keys are returned to the cabinet. The results of the inventory shall be recorded in the Shift Report.

d. **General**

- 1) The Key Control Officer shall inventory all facility keys, including permanent issue keys, at least quarterly to ensure that all keys are accounted for and each key operates the assigned lock. The key inventory shall be updated as needed and forwarded to the chain of command to the Warden for review and signature.
- 2) The locksmith or other designated employee shall maintain an accurate perpetual inventory of the pattern keys, and key blanks.
- 3) The Shift Commander shall ensure that daily inspections of the Key Watcher System are conducted to identify any deficiencies or malfunctions. All deficiencies will be immediately corrected. All malfunctions will be immediately reported to the maintenance supervisor.
- 4) Shift Supervisors shall review key inventories, make regular inspections of key storage areas, investigating discrepancies and taking appropriate action to resolve them.

**13. KEY/LOCK REPLACEMENT, REPAIR AND SERVICE**

- a. Reproduction of keys and installation, repair and maintenance of locks and locking devices shall only be performed by qualified personnel.
- b. No key shall be duplicated or issued without written authorization from the Deputy Warden for Operations or designee.
- c. Keys shall not be added to or removed from any key ring without written authorization from the Deputy Warden for Operations or designee.
- d. No lock shall be re-keyed, installed or removed without written authorization from the Deputy Warden for Operations or designee.

- e. All duplication of keys and installation, repair, re-keying and maintenance of locks and/or locking devices shall be documented by the locksmith or other person performing the service. The Key Control Officer shall ensure that the cross-indices and key maps are updated to reflect the change.
- f. The Major for Operations shall ensure that keys, locks and locking devices are inspected and serviced on an established preventive maintenance schedule. Inspection, preventive maintenance and repairs shall be documented.
- g. The locksmith or other designated employee shall immediately update the indices, diagrams, key maps and other records when keys, locks and/or locking devices are changed.



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Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

**OPI:** HRM  
**Number:** 6050.4B  
**Date:** February 29, 2008  
**Supersedes:** 6050.4A (2/1/00)  
**Subject:** Mandatory Employee  
Drug and Alcohol  
Testing Program (MEDAT)

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1. **PURPOSE AND SCOPE.** To provide procedures for the mandatory drug and alcohol testing program within the DC Department of Corrections (DOC).
2. **POLICY.** It is the policy of the District of Columbia Department of Corrections to provide a drug and alcohol-free workplace.
  - a. DOC employees are prohibited from using or being under the influence of alcohol while on duty and using or possessing any drug that is unlawful to possess without a prescription under local or federal law. This prohibition extends to the commission of unlawful drug or alcohol activity outside of the workplace.
  - b. This policy continues as written notice to employees that DOC encourages employees to seek assistance via Employee Assistance Program (EAP) opportunities available for DOC incumbents.
  - c. Hereafter, any confirmed positive test results or refusal to submit to the test shall be grounds for termination of employment.
  - d. DOC supervisors shall notify appropriate law enforcement authorities when employees, contractors, and volunteers are found in possession of illegal drugs or when it has been determined that the individual may be engaging in illegal drug trafficking.
  - e. Further, violations of this or any other prohibitions on drug or alcohol use within or outside of the workplace shall result in termination of employment pursuant to District Personnel Manual (DPM) Chapter 16 or any other provision of services to DOC consistent with DC Code § 24-211.21 through § 24-211.24

3. **APPLICABILITY.** Employees are defined as DOC incumbents, employees on detail under a government Inter-Personnel Agreement, contract workers and volunteers. The following DOC employees shall be tested for drug and alcohol use:
  - a. Applicants;
  - b. Those employees who have had a reasonable suspicion referral;
  - c. Post accident employees, as soon as reasonably possible after the accident; and
  - d. High Potential Risk Employees (HPR). HPR employee means any DOC employee who has inmate care and custody responsibilities or who works within a correctional institution, including any employees and managers who are carried in a law enforcement retirement status. Law enforcement retirement status means any employee who contributes to the 7.5% retirement status category.
  - e. Commercial Driver's License (CDL) Holder. The Omnibus Transportation Employee Testing Act of 1991 established drug and alcohol testing and training regulations for all commercial motor vehicle operators required by law to maintain a CDL.
  
4. **AUTHORITY**
  - a. DC Code § 24, Chapter 2, Subchapter II Part B. Department of Corrections Employee Mandatory Drug and Alcohol Testing
  - b. District Personnel Manual Chapter 16 (specifically 1603.3 and 1603.4)
  - c. D.C. Code § 24-211.02, Powers; Promulgation of Rules
  - d. Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Department of Transportation, Amendment 49 CFR Part 40, dated February 15, 1994
  - e. Mayor's Order 96-139, "Testing of District Government Drivers of Commercial Motor Vehicles for Alcohol and Controlled Substance," dated September 17, 1996
  - f. D.C. Department of Corrections Mandatory Employee Drug and Alcohol Testing Program (MEDAT) Procedures Manual, dated June 25, 1996 (Rev. November 18, 1999).

- g. Collective Bargaining Agreement Between District of Columbia Department of Corrections and Fraternal Order of Police Department of Corrections Labor Committee, Article 31 "Drug and Alcohol Screening"

**5. DIRECTIVES AFFECTED**

- a. Rescinded
  - PS 6050.4A Mandatory Employee Drug and Alcohol Testing (MEDAT) Program (2/1/00)
- b. Referenced
  - 1) PS 2830.1B Use of Government Vehicles—Fleet Management
  - 2) PS 3040.6B Personnel Security and Suitability Investigations
  - 3) PS 3310.2 Employee Discipline
  - 4) PS 3410.1A Employee Assistance Program (EAP)
  - 5) PS 5030.5A Canine Unit

**6. STANDARDS REFERENCED**

- a. American Correctional Association 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities: 4-ALDF-7C-01, 4-ALDF-7C-03 and 4-ALDF-7F-05
- b. American Correctional Association 2<sup>n</sup><sup>d</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-1C-20

- 7. NOTICE OF NONDISCRIMINATION.** In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

8. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. Procedures to maintain compliance with District of Columbia law DOC policy for a drug-free work place.
  - b. Conditions for drug and alcohol testing are provided.
9. **DRUG TESTING.** DOC conducts the MEDAT program to determine employee use of drugs.
  - a. Employees shall be tested for use of Marijuana (THC), Cocaine, Opiates, Amphetamines; and Phencyclidine (PCP). Testing a urine sample using the EMIT method and GC/MS (for confirmation of positive test results) is required. DOC reserves the authority to test employees for additional illegal substances based upon reasonable suspicion that such testing is appropriate.
  - b. Employees shall be tested for alcohol use based upon observations of on-duty impairment, after traffic accidents as outlined in this directive. The EBT (breathalyzer) method is used.
  - c. Canine Surveillance
    - 1) DOC employs the use of dogs that have been certified in drug detection to search DOC property.
    - 2) For the purposes of this program DOC property may include but is not limited to building entrances, employee work spaces, all common areas and locations where inmates are housed, work, receive visits or are involved in programs/care.
10. **TESTING REQUIREMENTS – GENERAL**
  - a. On-site specimen collections shall be conducted at designated DOC collection sites. Testing for all other categories are at the laboratory's designated site unless otherwise arranged by the Drug Program Coordinator.
  - b. Each employee shall submit to testing on his/her scheduled test date and at the specified time, and place.
  - c. Warnings Regarding Over-the-Counter (OTC) and Alternative Medicines, Foods and Herbs. Applicants and employees should read the ingredients and warning labels on all OTC and alternative medicines, foods, and herbs.
  - d. Hemp Products. Use or consumption of a hemp product (food, drink, or other), which may contain tetrahydrocannabinol (THC), is not a legitimate

- medical explanation for the confirmed presence of THC in an employee's specimen. A positive urinalysis for THC (marijuana), regardless of the use of the aforementioned products, shall be considered a positive test, resulting in corrective or adverse action pursuant to DPM Chapter 16.
- e. Coca-Leaf Products. Use of coca-leaf tea or other coca-leaf products, that may contain cocaine and/or its metabolite(s), is not a legitimate medical explanation for the confirmed presence of cocaine or benzoylecgonine (BZE) in an employee's system. A positive urinalysis regardless of the use of the aforementioned products, shall be considered a positive test, resulting in corrective or adverse action pursuant to DPM Chapter 16.

## **11. APPLICANT TESTING AND SCREENING**

- a. Vacancy announcements for all positions within the Department shall clearly state the MEDAT policy at DOC. This includes the information that applicants are tested for the presence of drugs and are subject to further drug/alcohol testing upon acceptance into the position.
- b. All persons who have been tentatively selected for employment or placement in any position within DOC, either directly or through an internship or contract shall submit to an initial drug test prior to assuming official duties. Volunteers shall submit to an initial drug test prior to placement.
- c. Pending incumbents, interns or contract workers who test positive for drugs; or who willfully tamper with test specimens or otherwise attempt to circumvent the testing; or who refuse to complete required drug/alcohol testing, shall be denied employment consideration or the ability to provide services in DOC facilities for three years from the date of determination of disqualification.

## **12. NEW HIRES**

- a. Upon issuing a new employee's DOC identification card, the Human Resource Management Division (HRM) shall give a copy of this directive to the employee. The employee shall read and sign the DOC- MEDAT Employee Notification Form. (Attachment A)
- b. In the absence of HRM, the work site official (i.e., the Director, Deputy Director, Warden, Administrator, or Office Chief) shall issue the notification.
- c. The issuer and a witness shall document an employee's refusal to sign an acknowledgement of notice of HRP status designation. This action shall constitute official employee notification.

**13. PRE-APPOINTMENT TESTING**

- a. All employees applying for another position within the DOC, to include promotion, shall be tested prior to accepting the position.
- b. HRM shall issue written notice to a non-HRP employee who is reassigned or promoted into a position that is designated HRP.

**14. RANDOM TESTING.** Random testing means drug or alcohol testing taken by DOC employees at an unspecified time during the employee's tour of duty.

- a. Drug or alcohol testing of HPR and CDL Department employees shall be conducted without advance notice to the affected employee.
- b. On the day of the scheduled collection;
  - 1) The supervisor or management official shall verbally inform the employee and then provide written notification that he/she is being tested in accordance with the drug/alcohol testing policy and procedures.
  - 2) The supervisor shall inform the employee of the time and location of the test and instruct the employee to take appropriate photograph identification.
  - 3) The supervisor or another designated supervisor shall escort the employee to the test site.
  - 4) The employee shall remain in the testing area as directed until completing testing.
- c. Random testing results shall not be released to any law enforcement agency without the employee's written consent except pursuant to a court order.

**15. REASONABLE SUSPICION.** Reasonable Suspicion means a belief by a supervisor that an employee is under the influence of an illegal substance or alcohol to the extent that the employee's ability to perform his or her job is impaired. Supervisors shall be trained in substance abuse recognition and shall receive a second opinion from another supervisor prior to making a reasonable suspicion referral. Reasonable Suspicion applies to any individual within the DOC that is engaging in illegal drug use or, appears to be impaired while on duty.

- a. Reasonable suspicion may be based upon, but not limited to:

- 1) Direct observations of drug or alcohol use in the workplace;
  - 2) Finding drug paraphernalia in the employee's possession or workspace;
  - 3) Canine alerts;
  - 4) Observation of physical symptoms to the degree a supervisor/appropriate worksite official would conclude drugs/alcohol may be factors such as red, watery eyes; slurred speech, unsteady gait; dilated pupils.
  - 5) Suspicion may result from the observation of behavioral symptoms such as severe mood swings, unexplained personality changes, inattention to personal hygiene, frequent accidents; patterns of leave and absences or patterns of abnormal conduct or erratic behavior;
  - 6) The individual has been recently arrested or convicted for a drug-related offense;
  - 7) The identification of an individual as being the focus of a criminal investigation into illegal drug possession, use, distribution, or trafficking; or
  - 8) Information is provided, either by reliable and credible sources.
- b. Employees may report suspected supervisory drug/alcohol use to the next level in their supervisory chain-of-command. That official shall determine if circumstances exist that suggest reasonable suspicion of alcohol or drug use. Should the individual believe the immediate supervisor cannot be impartial in his/her assessment, the individual may report the suspected drug/alcohol use to any higher ranking supervisor/manager in his/her chain of command. If this option is exercised, the employee must justify this breach of the chain-of-command immediately in writing using the Reasonable Suspicion Referral form.
- c. When behavior is observed that would lead the supervisor to believe that testing would indicate the presence of drugs or alcohol the supervisor follow instructions for Reasonable Suspicion in Attachments B and C.
- 1) Notify the next level supervisor. The reporting supervisor shall continue to observe the employee and record the employee's behavior.
  - 2) Notification shall continue to the next level until an official of at least the rank of a Shift Commander has been notified. The Shift Commander or a higher ranking official shall when appropriate have the employee relieved

from inmate contact, tower duty, any post that requires possession of a DOC issued weapon and from posts or positions where there is regular public contact.

- 3) Only an official at the Deputy Warden or a higher level can approve testing based upon reasonable suspicion.
- 4) If testing is approved, the supervisor shall:
  - a) Prepare the Notice of Reasonable Suspicion (Attachment D);
  - b) Contact a representative if the employee is a member of the collective bargaining unit;
  - c) Escort the employee to a private place and in the union representative's presence, inform the employee of referral for testing based upon reasonable suspicion and issue notice.
- 5) The employee shall sign receipt of notice and initial each page.
- 6) The supervisor shall make notification in accordance with PS 1280.2A "Notification of Unusual or Extraordinary Occurrences".
- 7) The DPC shall make arrangements for testing.
- 8) The supervisor shall escort the employee and remain with the employee at the testing site.
- 9) The employee shall be relieved of duties and the supervisor shall be notified that subject to law, they are prohibited from driving home.
  - a) The supervisor shall attempt to persuade the employee not to drive and to remain at the work site in a supervised area until a relative or friend can be contacted to drive them home or the employee agrees to calling and waiting for a taxi.
  - b) The supervisor shall inform the employee that local law enforcement shall be contacted if the employee is observed driving away.
  - c) The supervisor shall ensure that the employee's vehicle tag number is recorded and reported.
  - d) The supervisor shall document the outcome and any subsequent actions taken.

16. **POST-ACCIDENT EMPLOYEE.** Post accident employee means any DOC employee who, while on duty, is involved in a vehicular or other type of accident or moving violation resulting in personal injury or property damage or both or when the accident subsequently contributes to a security breach or an inmate to escape shall also subject the employee to test.
  
17. **INCIDENTS AND EXTRAORDINARY OCCURRENCES.** Employees shall be subject to drug/alcohol testing when involved in a incident or extraordinary occurrence while on duty that includes but is not limited to engaging in a physical confrontation with another employee; engaging in a physical confrontation with an inmate that is outside of the scope of practicable correctional supervision.
  
18. **REPEAT TESTING.** The DPC may order a repeat test when any individual is suspected of having tampered or adulterated his/her specimen/reading, based on information received and documented from the site coordinator, DPC, collection technician laboratory, and/or the MRO.
  - a. Suspicion may be based upon but is not limited to:
    - 1) Erratic behavior during testing;
    - 2) Insufficient collection; or
    - 3) Temperature reading does not fall within prescribed guidelines; or
    - 4) The Medical Review Officer (MRO) reports the specimen as being unsuitable for testing (due to adulterants)
  - b. The MRO or lab is unable to provide specimen/reading on the scheduled day.
  - c. There are delays based upon unforeseen emergencies within the collection site or facility, break down in equipment (EBT device)
  
19. **ALCOHOL TESTING**
  - a. Specimens/Readings determined to be positive during the initial screening shall undergo confirmation testing.
  - b. For the initial positive reading from an alcohol screening, the collector shall immediately conduct a confirmation test by having the individual breathe into the EBT again, to acquire a second reading.

- c. The duty status of the employee shall not be changed unless a positive confirmation report is received from the collector.
- d. When a confirmation test is negative, no further action shall be taken.

20. **SPECIMEN COLLECTION PROCEDURES.** A strict chain-of-custody shall be utilized for maintaining control and accountability from point of collection to final disposition of specimen reading.

- a. The employee being tested shall be permitted to provide the urine specimen in a restroom stall or similar enclosure that provides adequate privacy.
- b. Precautions shall be taken to ensure that a urine specimen and/or breath screen readings has not been adulterated or diluted during the collection procedure. Collection site personnel of the same gender as the individual being tested may, with prior approval from the Drug Program Coordinator (DPC), observe the individual provide the urine specimen when such personnel have reason to believe the individual may alter or substitute the specimen to be provided.
- c. The collector and the individual providing the specimen or breath sample shall always have the specimen or breath reading within sight prior to the sample being sealed and labeled and that all information on the urine bottle and/or breath screen reading and the chain-of-custody form can be identified as belonging to a given individual.
- d. The individual being tested shall initial in the appropriate space on the chain-of-custody form, as well as on the split sample labels, that the specimen is his/hers. The individual being tested shall verify that the collector has read and recorded the specimen's temperature and volume, or the alcohol concentration level from breath screening.
- e. All specimen containers shall be tightly capped, properly labeled and securely sealed to eliminate the possibility of tampering. The Collector shall sign and date across the tape label sealing the container and ensure that the chain-of-custody documentation is complete and included with each sealed container.
- f. The collector shall package the specimen and reading for mailing before leaving the collection site.

## 21. LABORATORY ANALYSIS PROCEDURES

- a. The test for drugs/alcohol shall consist of initial screening to detect the presence of drugs/alcohol and confirmation testing of samples where an initial screen is positive.
- b. The laboratory shall ensure the established procedures for chain-of-custody are adhered to from the time of receipt of urine and/or breath screen reading until testing is completed and results reported. The same chain-of-custody procedures shall be adhered to during the storage period.

## 22. SPECIMEN STORAGE

- a. Negative samples shall be immediately discarded by the laboratory.
- b. Only samples testing positive, after both the screening and confirmation tests, shall be considered positive for purposes of retaining the specimen.
- c. Positive samples shall be retained at the laboratory in a frozen state for at least two (2) years.
- d. Within this two (2) year period, the DPC may request the laboratory to retain the specimen for an additional period of time. This ensures that the urine samples shall be available for possible re-test during any administrative or judicial proceeding.
- e. If the laboratory does not receive a request to retain the specimen during the initial two (2) year period, the specimen may be discarded.
- f. In the case of an alcohol test, the breath screen readings shall be maintained by the laboratory for a period of two (2) years.

## 23. MEDICAL REVIEW OFFICER (MRO)

- a. The MRO is a licensed physician with knowledge of substance abuse disorders. This officer is responsible for the receipt, review, and interpretation of all confirmed positive test results that are submitted to DOC from the drug testing laboratory. His/her review shall be performed prior to the transmission of any positive test results to the Drug Program Coordinator (DPC) or designee.
- b. A positive test result or unusual physical symptoms and/or behavior does not automatically identify an individual as an illegal drug user and/or alcohol abuse. The MRO shall undertake a complete evaluation/examination of

- information provided by the tested individual to determine alternative medical explanations.
- c. This action could include a review of the individual's medical history, or the review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual.
  - d. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO may deem that the result is consistent with legal drug use and take no further action other than reporting the test result as negative due to legitimate medical explanation.
  - e. Additionally, the MRO, based on review of inspection reports, quality control data, multiple samples, and other pertinent information, may determine that the result is scientifically insufficient for further action and declare the individual's test result as negative.
  - f. When the laboratory reports a specimen as "unsuitable for testing", due to high levels of nitrite, the MRO shall report the level of nitrite found in the specimen and report it as an "adulterated specimen".

#### **24. DISCIPLINARY ACTION AGAINST EMPLOYEES**

- a. Positive Test
  - 1) An employee who has a confirmed positive test result shall be placed on no more than 3 days administrative leave pending removal. Removal shall be in accordance with District Personnel Manual (DPM) Chapter 16 and PS 3310 Employee Discipline.
  - 2) The individual shall be informed that he/she has the right to have his/her specimen tested by an independent laboratory that the employee chooses from the approved list of labs. The employee shall be informed that testing shall be at his/her own expense. The employee shall be notified that a request for an independent confirmation test must be initiated within three work days of this notification.
  - 3) Disciplinary action is held in abeyance until DOC receives the results of the independent laboratory test.
  - 4) A positive confirmation from the independent laboratory test or an employee's failure to request an independent laboratory test shall result in the issuance of a Summary Removal.

b. Altered Samples

- 1) An individual whose test result is reported as “unsuitable for testing,” due to adulteration, shall be summarily removed.
- 2) The employee shall be informed that he/she does not have a right to an independent test.
- 3) In such cases, the removal proceedings shall begin as soon as that individual has been notified, by the appropriate official of his/her test results.

c. Refusal to Comply with Procedures During Collection

- 1) DOC shall initiate action to remove an employee who while on duty has been properly notified and fails to report to the designated collection site without proper cause to include but is not limited to:
  - a) Existence of verifiable circumstances that prevented reporting,
  - b) The employee refuses or fails to provide a specimen, or
  - c) The employee attempts to alter, adulterate, or substitute the specimen provided.
- 2) When an employee cannot report for testing, at the scheduled date and time, the official designated to escort the employee for testing shall immediately notify the DPC, and on the official scheduling notice; document the extenuating circumstances, sign and date the notice.
- 3) The designated official shall prepare a report, with recommendations to the appropriate authority (i.e., Director, Deputy Director, Administrator, Office Chief, Warden, Deputy Warden or worksite official as appropriate to worksite), who shall determine the validity of the extenuating circumstances. If this authority determines that there is insufficient reason or no validity to the employee's claim, termination proceedings shall be instituted in accordance with Chapter 16 of the DPM.

d. On Duty Use or Possession of Illegal Drugs

- 1) DOC shall notify the DOC Office of Internal Affairs and appropriate law enforcement officials when an employee is found in possession of illegal drugs while on duty.

- 2) DOC shall initiate action to remove an employee in the case of on-duty use or possession of illegal drugs in accordance with Chapter 16 of the DPM.
- e. Alcohol Testing for CDL Holders
- 1) US Department of Transportation Omnibus Transportation Employee Testing Act determines an alcohol concentration of .02 or higher is grounds for a confirmation test. For the purpose of this directive, DOC shall adhere to the Mayor's Order 96-139, "Testing of District Government Drivers of Commercial Motor Vehicles for Alcohol and Controlled Substance," that sets the alcohol concentration at no more than .08 as legally intoxicated.
  - 2) A DOC CDL holder whose alcohol concentration is tested at a level of .02 but, no higher than .08, shall in conjunction with the DPC and the employee's supervisor, be referred to the D.C. Government's Employee Assistance Program (EAP) immediately and placed on administrative leave, pending the initial evaluation and recommendation of the EAP.
  - 3) A DOC CDL holder whose tests results are above the concentration levels of .08 will be subject to discipline action if involved in an accident, triggered event or extraordinary occurrence.

## 25. EMPLOYEE ASSISTANCE PROGRAM

- a. Employees are encouraged to seek necessary alcohol or drug treatment through the Employee Assistance Program on their own. However, treatment does not exempt the employee from mandatory drug/alcohol testing and sanctions.
- b. EAP offers confidential intake, counseling, referrals to community resources, crisis intervention, drug and alcohol abuse treatment referrals and follow-up. EAP services are available through self-referral by the employee and referrals by supervisors, union representatives, medical staff, administrative level management, and local judicial authorities. Procedures are outlined in PS 3410.1 EAP.

## 26. TRAINING

- c. Each new DOC employee, contractor, intern, volunteer or any other service provider shall prior to assuming duties receive orientation that includes DOC policy for maintaining a drug-free workplace and compliance requirements contained in this directive.

- d. Requirements set forth in this directive shall be reinforced when DOC employees, contractors, interns and volunteers receive annual in-service training.
- e. The Training Administrator shall in conjunction with HRM provide new managers and supervisors training on MEDAT procedures and substance abuse recognition prior to the incumbent assuming official duties.
- f. Management and supervisory staff shall receive annual refresher training on MEDAT procedures and substance abuse recognition.

## 27. REPORTING

- g. Laboratory Reports
  - 1) The laboratory shall provide the DPC with a monthly statistical summary of urinalysis and breathalyzer testing.
  - 2) The summary shall not include any personal identification information.
  - 3) Initial and confirmation data shall be included from test results reported within that month.
  - 4) Statistical data for the purposes of program evaluation and follow-up shall be transmitted from the laboratory directly to the DPC.
  - 5) The laboratory shall maintain and make available documentation of all aspects of the testing process for two years.
- h. DPC Report. The DPC shall generate the data and submit a monthly report to the Offices of the Director and the Deputy Directors to include the number of employees and applicants tested and test results. All personal identifying information shall be deleted in the statistical report.
- i. Agency Activity Report
  - 1) The Office of the Director shall include the statistical data in the Agency Activity Report.
  - 2) All statistical data reports and data base files shall be maintained for at least three years.
- j. Confidentiality. Files, records, and drug testing data shall be maintained in accordance with the Federal Privacy Act, 5 U.S.C. 552a and Chapter 31 of the District Personnel Manual.



Devon Brown  
Director

Attachments

Attachment A	Employee Notification of Mandatory Drug Testing
Attachment B	Reasonable Suspicion – Instructions for Supervisors
Attachment C	Reasonable Suspicion – Instructions for Senior & Executive Staff
Attachment D	Reasonable Suspicion – Notice to Employee
Attachment E	Authorization to Perform Independent Drug Testing



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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# Program Statement

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**OPI:** DIR  
**Number:** 6060.1B  
**Date:** February 21, 2008  
**Supersedes:** 6060.1A (6/15/04)  
**Subject:** Smoke/Tobacco Free Environment

1. **PURPOSE AND SCOPE.** DC Department of Corrections (DOC) facilities are smoke-free.
2. **POLICY.** It is DOC policy to prohibit use, sale, trading, or bartering of tobacco, tobacco related products or tobacco substitutes in buildings and vehicles owned, leased, operated or under the control of the DOC. It is policy of the DOC to prohibit the sale of all tobacco products through its canteen services. It is DOC policy that violators shall be subject to disciplinary action.
3. **APPLICABILITY.** This policy is applicable to DOC employees, contract workers, volunteers, visitors, inmates and any other individuals who enter into DOC facilities. In addition:
  - a. DOC employees, contract workers, volunteers and visitors are prohibited from bringing in and otherwise using any of the referenced tobacco products while in the Central Detention Facility (CDF).
  - b. Smoking is prohibited within 50 feet of all DOC facility entrances and exits.
4. **NOTICE OF NON-DISCRIMINATION**
  - a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
  - b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, disability or any other

type of prohibited discrimination when making administrative decisions and in providing access to services, programs and activities.

5. **PROGRAM OBJECTIVES.** The expected results of this directive are:
  - a. To eliminate exposure to chemicals in tobacco that pose a high health risk to employees, contract employees, volunteers and the inmates in the care and custody of the DOC.
  - b. To reduce the risk of fire hazards which pose a safety, security, and liability risk within DOC facilities.
  - c. To ensure that the DOC operates its facilities in compliance with the D.C. Smoke Free Workplace regulations.
  
6. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded**
    - 1) DO 6060.1A                      Smoke Free Workplace
  
  - b. **Directives Referenced**
    - 1) PS 5009.2                      Searches of Inmates, Inmate Housing Units, Work  
an  
and Program Areas
    - 2) PS 5010.3B                      Contraband Control
    - 3) PS 5020.1A                      Entrance and Exit Procedures
  
7. **AUTHORITY**
  - a. Title 7, Human Health Care and Safety, Subtitle H. Tobacco Smoking, Sales, Distribution, Regulation, and Settlement, Chapter 17, Restriction on Tobacco Smoking, Subchapter I, § 7-1701, 1702, 1703, 1703.01, 1703.02, 1705,1706, 1708, 1710, DC Code §§ 6-911 "District of Columbia Smoking Restriction Amendment Act of 1987"
  - b. Donald K. Crowder, et al., Plaintiff, V. Sharon Pratt Kelly, et al., Defendants. Civil Action Nos. 94-702, 94-2269, 94-1728, 94-1603, 94-2136 and 95-1889
  - c. Scott v. D.C. 139 F.3d 940 (D. C. Cir. 1998)
  - d. Brock v. Rutherford, 468 U.S. 576, 591 (1984); Bell v. Wolfish, 441 U.S. 520, 557 n.38 (1979)

- e. Collective Bargaining Agreement Between District of Columbia Department of Corrections and Fraternal Order of Police Department of Corrections Labor Committee, effective December 19, 2002 – September 30, 2005.
- f. D.C. Code §24-211.02, “Powers; Promulgation Rules” .

## 8. **STANDARDS REFERENCED**

- a. American Correctional Association 4<sup>th</sup> Edition Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-1A-21 and 4-ALDF-2C-01.
- b. National Commission on Correctional Health Care (NCCHC) J-F-05.

## 9. **DEFINITIONS.** For the purpose of this program statement, the following definitions apply:

- a. **Smoking/To Smoke.** The act of smoking or carrying a lighted or smoldering cigar, cigarette, or any tobacco related product, that includes but is not limited to, cigarettes, pipe tobacco, chewing tobacco, cigars, matches, cigarette lighters, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related-products.
- b. **Workplace.** The workplace includes, but is not limited to:
  - 1) DOC owned, operated, controlled and leased facilities and buildings. Smoking shall be strictly prohibited in all work areas and public spaces including, but not limited to work stations, private offices, training/conference rooms, reception areas, restrooms, stairwells, hallways of the Grimke building and within 50 feet of all entrances/exits.
  - 2) All other DOC controlled property and all DOC controlled, owned, leased and operated vehicles.

## 10. **NOTICE**

- a. The requirements of this directive and the penalties for violations will be discussed during pre-service training and orientation programs.
- b. Facilities Management shall ensure that all DOC buildings have signs posted that read, “No Smoking Under Penalty of Law”. The signs shall be prominently displayed at the entrances and in the interior of the Grimke headquarters building, the Central Detention Facility, and at DOC contracted halfway house facilities.

- c. Facilities Management shall ensure that all DOC buildings shall have signs posted to designate "Smoke-Free Zones" around facility entrances and exits (i.e., within 50 feet of the egress).

#### 11. **CONTRABAND CONTROL**

- a. The sale of tobacco products is prohibited.
- b. Staff, contract employees, volunteers and visitors whether professional or personal, are prohibited from bringing tobacco products inside of the CDF.
- c. Staff entrance personnel shall thoroughly search employees, contractors, volunteers and visitors; instructing all persons found to be in possession of any tobacco products to return such items to their vehicle or dispose of the items prior to admittance.
- d. Staff, contract employees, volunteers and visitors are prohibited from giving inmates tobacco products or the means to ignite them.
- e. Tobacco products are contraband. These items, if found in the possession of the inmate, shall be confiscated and destroyed.
- f. Upon intake, the R& D Officer shall screen all inmate property for tobacco products, cigarette lighters and matches.
- g. Cigarette lighters that are determined to be of substantial value, shall be stored with the inmate's valuables.

12. **INSPECTIONS.** Housing unit officers; all managers, supervisors (i.e., uniform, non-uniform, facilities management and environmental safety and sanitation) and facility fire safety officers shall during the course of their inspections, ensure that employees and inmates are not smoking in the facility. They shall document violations and confiscation of tobacco and smokeless tobacco products as well as containers being used to extinguish lighted products.

#### 13. **REPORTING VIOLATIONS**

- a. Employees and inmates who observe violations of this policy shall report the violation to a supervisor or manager.
- b. Supervisors and managers who observe or receive a report of violation of this directive shall investigate the allegation and/or take appropriate action.

#### 14. **PENALTIES FOR INFRACTIONS**

- a. **Employees.** Staff who violate the DOC smoke free policy shall be disciplined pursuant to the District Personnel Manual DPM, Chapter 16.

- b. **Contract Employees.** Contract employees found to be in violation of this policy shall be reported to the contractor for disciplinary action. The contractor shall advise the affected DOC contract administrator of all actions that were taken.
- c. **Volunteers.** Volunteers found to be in violation of the DOC smoke free policy shall be escorted from the DOC facility premises. Prior to departure they shall surrender their DOC identification badge. The individual shall receive written notice of suspension of their volunteer privileges.
- d. **Visitors.** Visitors found to be in violation of the DOC smoke free policy shall be escorted from the premises and their visiting privileges may be suspended.
- e. **Inmates.** Inmates found in the possession of any tobacco product, cigarette lighter or matches shall be charged with possession of contraband in accordance with the disciplinary process for inmates. Inmates who attempt to light products via electrical outlets shall be disciplined.

  
Devon Brown  
Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

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OPI: DIR  
Number: 7500.1  
Date: February 21, 2008  
Supersedes: None  
Subject: Physical Plant  
Requirements

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1. **PURPOSE AND SCOPE.** To establish minimum physical plant guidelines at the Central Detention Facility (CDF).
2. **POLICY**
  - a. DOC shall maintain a physical plant that meets acceptable sanitation, safety, inmate housing, and staff accommodations pursuant to applicable laws and regulations of the District of Columbia.
  - b. DOC shall maintain a physical plant that conforms to American Correctional Association (ACA) standards as set forth in this directive.
  - c. DOC shall maintain minimum physical plant requirements and conform to applicable federal and local building codes and ACA Standards for renovations, additions and new construction.
3. **AUTHORITY**
  - a. DC Code § 24.211.02 Powers: Promulgation of Rules
4. **DIRECTIVES AFFECTED**
  - a. Directives Rescinded  
DO 1010.3 Official Designation of Department  
Institutions and Facilities (1/2/91)
  - b. Directives Referenced
    - 1) PS 2920.4 Inspections and Abatement
    - 2) PS 2920.8 Environmental Inspections
    - 3) PS 3800.2 Accommodations for Persons with Disabilities

- 4) PS 6060.2 Employee Wellness Center
- 5) PS 7500.2 Facilities Management

## 5. PROGRAM OBJECTIVES

- a. DOC will provide a safe environment for staff, volunteers and contractors and inmates.
- b. Environmental conditions will meet minimum standards for a detention facility environment.
- c. The facility has adequate work space for staff and adequate living and work space for inmates.
- d. DOC shall conform to applicable federal and local building codes (renovation, additions, new construction only).

## 6. STANDARDS REFERENCED

- a. American Correctional Association (ACA) 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-C0-1A-12 and 2-C0-1A-13.
- b. American Correctional Association (ACA) 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities: 4-ALDF-1A-05, 4-ALDF-1A-06, 4-ALDF-1A-09, 4-ALDF-1A-10, 4-ALDF-1A-11, 4-ALDF-1A-12, 4-ALDF-1A-13, 4-ALDF-1A-14, 4-ALDF-1A-15, 4-ALDF-1A-16, 4-ALDF-1A-17, 4-ALDF-1A-18, 4-ALDF-1A-19, 4-ALDF-1A-20, 4-ALDF-1A-22, 4-ALDF-1A-23, 4-ALDF-1C-04, 4-ALDF-2A-01, 4-ALDF-2A-03, 4-ALDF-2A-18, 4-ALDF-2A-24, 4-ALDF-2A-35, 4-ALDF-2A-41, 4-ALDF-2A-51, 4-ALDF-4A-01, 4-ALDF-4A-02, 4-ALDF-4A-03, 4-ALDF-4B-01, 4-ALDF-4B-08, 4-ALDF-4B-09, 4-ALDF-4C-10, 4-ALDF-4C-11, 4-ALDF-4C-12, 4-ALDF-4C-41, 4-ALDF-5A-10, 4-ALDF-5B-01, 4-ALDF-5B-11, 4-ALDF-5C-03, 4-ALDF-5C-04, 4-ALDF-5C-23, 4-ALDF-5C-26, 4-ALDF-6B-04, 4-ALDF-6B-07, 4-ALDF-7D-23, 4-ALDF-7D-24 and 4-ALDF-7E-05.

- 7. **BUILDING CODES.** *New Construction, renovations and facilities undergoing additions* at CDF shall conform to applicable federal, state, and/or local building codes.

## 8. FACILITY DESIGN AND CAPACITY

- a. The physical plant design will promote personal contact and interaction between staff and inmates in housing units. (*Renovation, Addition, New Construction Only*)

- b. The number of inmates will not exceed the facility's rated bed capacity.
9. **EMERGENCY EXITS.** The facility has exits that are properly positioned, are clear from obstruction, and are distinctly and permanently marked to ensure the timely evacuation of inmates and staff in the event of fire or other emergency. All housing areas and places of assembly for fifty (50) or more persons have two (2) exits.

10. **ENVIRONMENTAL CONDITIONS**

a. Light Levels

- 1) Lighting throughout the facility is sufficient for tasks performed.
- 2) Lighting in inmate rooms/cells is at least twenty (20) foot candles at desk level and in personal grooming areas, as documented by a qualified source.
- 3) All inmate rooms/cells provide the occupants with access to natural light. *(Existing, Renovation, Addition Only)*
- 4) Inmates in the general population who are confined in their rooms/cells for ten (10) or more hours daily have access to natural light by means of an opening or window of at least three (3) square feet.

b. Dayrooms. Each dayroom provides inmates with access to natural light by means of at least twelve (12) square feet of transparent glazing in the dayroom, plus two (2) additional square feet of transparent glazing per inmate whose room/cell is dependent on access to natural light through the dayroom.

c. Noise Levels. Noise levels in housing units do not exceed seventy (70) dBA (A Scale) in daytime and forty-five (45) dBA (A Scale) at night. Measurements are documented by a qualified, independent source and are checked not less than once per accreditation cycle.

d. Indoor Air Quality

- 1) A ventilation system supplies at least fifteen (15) cubic feet per minute of circulated air per occupant with a minimum of five (5) cubic feet per minute of outside air.
- 2) Toilet rooms and cells with toilets have no less than four (4) air changes per hour unless state or local codes require a different number of air changes.

- 3) Air quantities are documented by a qualified independent source and are checked no less than annually.
- e. Heating and Cooling. Temperature and humidity are mechanically raised or lowered to acceptable comfort levels.

#### 11. **CONTROL CENTER**

- a. DOC has a twenty-four (24) hour control center for monitoring and coordinating the facility's security, life-safety, and communications systems.
- b. The control center provides access to a toilet and washbasin.
- c. There are multiple communication systems between the control center and inmate-occupied areas.

#### 12. **HOUSING AREAS.** Male and female inmates are housed in separate housing units.

#### 13. **CELLS**

- a. Inmates not suitable for housing in multiple occupancy cells are to be housed in single occupancy cells. No less than ten (10) percent of the rated capacity of the facility is available for single occupancy.
- b. All cells in which inmates are confined conform to the following requirements:
  - 1) There must be thirty-five (35) square feet of unencumbered space for the single cell occupant. Each cell provides a total of seventy (70) square feet of total encumbered space and (44.29) square feet of unencumbered space.
  - 2) In the event that confinement exceeds ten (10) hours per day, there will be at least seventy (70) square feet of total floor space for the occupant.
  - 3) Multiple-occupancy rooms/cells house between two (2) and sixty-four (64) occupants and provide a total of twenty-two (22.15) square feet of unencumbered space per occupant.
    - a) Each inmate confined to a cell/room is provided a sleeping area with the following:

1. A sleeping surface and mattress at least twelve (12) inches off the floor;
  2. Access to a writing surface and proximate area to sit;
  3. Storage for personal items; and
  4. Adequate storage space for clothes and personal belongings.
- b) Single occupancy cells/rooms are available when indicated for the following:
- 1) Maximum and close custody
  - 2) Inmates suffering from serious mental illness
  - 3) Sexual predators
  - 4) Inmates likely to be exploited or victimized by others
  - 5) Inmates who have other special needs for single-occupancy housing

#### 14. DAYROOMS

- a. Dayrooms with space for various inmate activities are positioned directly adjacent to the inmate sleeping areas. Dayrooms provide a minimum of thirty-five (35) square feet of space per inmate (exclusive of lavatories, showers, and toilets) for the maximum number of inmates who use the dayroom at one (1) time, and no dayroom encompasses less than one-hundred (100) square feet of space (exclusive of lavatories, showers, and toilets).
- b. Dayrooms provide sufficient seating and writing surfaces. Dayroom furnishings are consistent with the custody level of the inmates assigned.
- c. Each dayroom provides a minimum of twelve (12) square feet of transparent glazing with a view to the outside, plus two (2) additional square feet of glazing per inmate whose room/cell does not contain an opening or window with a view to the outside.
- d. Adequate program space is provided to meet the physical, social, and emotional needs of juveniles and allows for their personal interactions and group-oriented activities.

**15. TOILETS**

- a. Inmates have access to toilets and hand-washing facilities twenty-four (24) hours per day and are able to use toilet facilities without staff assistance when they are confined in their cells/sleeping areas.
- b. Toilets are provided at a minimum ratio of one (1) for every twelve (12) inmates in male facilities and one (1) for every eight (8) inmates in female facilities. Urinals may be substituted for up to one-half (1/2) of the toilet in male facilities. All housing units with three (3) or more inmates have a minimum of two (2) toilets. These ratios apply unless national or state building health codes specify otherwise.

16. **WASHBASINS.** Inmates have access to operable washbasins with hot and cold running water in the housing units at a minimum ratio of one (1) basin for every twelve (12) occupants, unless national or state building or health codes specify a different ratio.

**17. SHOWERS**

- a. Inmates have access to operable showers with temperature-controlled hot and cold running water, at a minimum ratio of one (1) shower for every twelve (12) inmates, unless national or state building codes specify a different ratio. Water for showers is thermostatically controlled to temperatures ranging from one-hundred (100) degrees Fahrenheit to one-hundred and twenty (120) degrees Fahrenheit to ensure the safety of inmates and to promote hygienic practices. Water temperatures will be conducted monthly and documented to ensure proper temperatures.
- b. There are sufficient bathing facilities in the segregation housing areas to permit inmates in the general population to shower at least three (3) times per week.

**18. SPECIAL MANAGEMENT HOUSING**

- a. Segregation housing units provide living conditions that approximate those of the general population; all exceptions are clearly documented.
- b. Segregation cells/rooms permit the inmates assigned to converse with and be observed by staff members.
- c. All cells/rooms in segregation provide a minimum of seventy (70) square feet of which forty-four (44.29) square feet is unencumbered space.

**19. DISABLED HOUSING**

- a. Inmates with disabilities, including temporary disabilities, are housed in a manner for their safety and security. Housing used by inmates with disabilities is designed for their use and provide for integration with general population inmates.
- b. Facilities are provided for inmates with disabilities to perform self-care and personal hygiene in a reasonably private environment.

## 20. **TELEPHONES**

- a. Inmates have access to telephones.
- b. Inmates with hearing and/or speech disabilities, and inmates who wish to communicate with parties who have such disabilities, are afforded access to a Telecommunications Device for the Deaf (TDD), or comparable equipment.
- c. Public telephones with volume control are also made available to inmates with hearing impairment.

## 21. **OBSERVATION**

- a. All living areas are constructed to facilitate continuous staff observation, excluding electronic surveillance, of cell or detention room fronts and areas such as dayrooms and recreation spaces.
- b. Correctional officer posts are located in or immediately adjacent to inmate living areas to permit officers to see or hear and respond promptly to emergency situations.

## 22. **VISITATION**

- a. Sufficient space is provided for a visiting room, and there is adequately designed space to permit screening and searching of both inmates and visitors.
- b. Secured lockers are provided for proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.

## 23. **INMATE PROGRAMS**

- a. Newly renovated or newly constructed academic and vocational classrooms shall be designed in consultation with school authorities.
- b. The facility provides space and equipment adequate for conducting and administering religious programs.

- c. Program and service areas are accessible to inmates with disabilities who reside in the facility.
  - d. Adequate program space is provided to meet the physical, social, and emotional needs of youthful offenders and allow for their personal interactions and group-oriented activities.
24. **COMMISSARY.** Space is provided for an inmate commissary or canteen, or provisions are made for a commissary service.
25. **RECREATION**
- a. General Population
    - 1) Both outdoor and covered/enclosed exercise areas for general population inmates are provided in sufficient number to ensure that each inmate is offered at least one hour of access daily. Covered/enclosed areas can be designed for multiple uses if the design and furnishings do not interfere with scheduled exercise activities.
    - 2) Outdoor exercise areas in facilities where one hundred (100) or more inmates utilize one recreation area fifteen (15) square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than fifteen hundred (1,500) square feet of unencumbered space. The large facility outdoor exercise area is twelve thousand five hundred and one (12,501) total square feet. The small facility outdoor exercise area is five thousand thirty five (5,435) total square feet.
    - 3) Enclosed exercise areas in facilities where one hundred (100) or more inmates utilize one recreation area fifteen (15) square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of eighteen (18) feet, but not less than one thousand (1,000) square feet of unencumbered space. Each enclosed exercise area is a total of six hundred and seventy (678) total square feet.
    - 4) Enclosed exercise areas in facilities where less than one hundred (100) inmates utilize one recreation area 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of eighteen (18) feet, but not less than five hundred (500) square feet of unencumbered space. Each enclosed exercise area is a total of six hundred and seventy (678) total square feet.

- b. Segregation. Individual yard modules for enclosed segregation exercise areas must be a total of one hundred and eighty (180) square feet of unencumbered space.. Enclosed segregation recreation facilities are a total of two hundred and sixty three (263) square feet per area.

## 26. **FOOD SERVICE**

- a. Each inmate is given the opportunity to have at least twenty (20) minutes of dining time for each meal.
- b. Culinary Unit
  - 1) The food preparation area includes a space for food preparation based on population size, type of food preparation, and methods of meal service.
  - 2) There are sanitary, temperature-controlled facilities for the storage of all foods.
  - 3) Toilet and washbasin facilities are available to food service personnel and inmates in the vicinity of the food preparation area.

## 27. **GENERAL EQUIPMENT STORAGE**

- a. Adequate space is provided for janitorial closets accessible to the living and activity areas. The closets are equipped with a sink and cleaning implements.
- b. Space is provided in the institution to store and issue clothing, bedding, cleaning supplies, and other items required for daily operation.
- c. Space is provided for storing the personal property of inmates safely and securely.
- d. Separate and adequate space is provided for mechanical and electrical equipment.

## 28. **DESIGNATED EMPLOYEE AREAS**

- a. Adequate space is provided for administrative, security, professional, and clerical staff; this space includes conference rooms, storage room for records, a public lobby, and toilet facilities.
- b. Staff are provided adequate spaces in locations that are convenient for use. Staff are provided with the following:

- 1) An area to change clothes and to shower;
- 2) An area, room, and/or employee lounge that offers privacy from inmates and provides space for meals;
- 3) Access to exercise/physical training facilities and equipment;
- 4) Space and training;
- 5) Space for shift-change briefings; and
- 6) Toilets and washbasins that are not used by inmates.

29. **EMERGENCY EQUIPMENT AND SYSTEMS**

- a. The Chief, Facilities Manager, or designee shall conduct the following:
  - 1) Quarterly tests of emergency equipment and systems.
  - 2) Weekly inspections and not less than quarterly load tests of power generators (more frequent tests shall be applied if provided in the manufacturer's recommendations and instruction manual).
- b. Essential lighting and life-sustaining functions are maintained inside the facility and with the community in an emergency.

30. **WATER SUPPLY**

Facilities Management shall ensure that the facility's potable water source and supply is certified at least annually by an independent, outside source to be in compliance with applicable laws and regulations.

31. **ACCOMMODATION FOR THE DISABLED.** Reasonable accommodation is made to ensure that all areas of the facility that are accessible to the public are accessible and usable by staff and visitors with disabilities.

32. **FACILITY DRAWINGS**

When drawings and specifications for the physical facility exist or are developed, a set of record drawings and specifications shall be maintained at the facility. The following procedures will be followed in maintaining facility record drawings:

- 1) The facility COTR will be in charge of maintaining and updating record drawings and specifications;
- 2) All alterations or additions to the physical plant will be recorded on the record drawings and specifications;
- 3) The record drawings and specifications will be stored in a secure manner. The Maintenance COTR is responsible for maintaining a

complete set of built "as is" drawings. These drawings are stored in a locked cabinet in the maintenance department.



Devon Brown  
Director



# DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

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## Program Statement

<b>OPI:</b>	<b>FACILITIES</b>
<b>Number:</b>	<b>7500.2A</b>
<b>Issued:</b>	<b>February 29, 2008</b>
<b>Supersedes:</b>	<b>PS 7500.2</b>
<b>Subject:</b>	<b>Facilities Maintenance</b>

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1. **PURPOSE AND SCOPE.** To provide uniform procedures for physical plant preventive and corrective maintenance at DC Department of Corrections (DOC) facilities, and other areas where DOC has responsibility for maintenance and repair of equipment and/or fixtures; including the Central Detention Facility (CDF), Grimke and ancillary facilities.
2. **POLICY.** It is DOC policy to provide a safe environment for staff, volunteers, contractors and inmates.
3. **APPLICABILITY.** This directive applies to all DOC employees, contract employees and inmates committed to the custody of the DOC.
4. **PROGRAM OBJECTIVES.** The expected results of this directive are:
  - a. DOC shall utilize and document a preventive maintenance and the corrective maintenance program.
  - b. DOC shall conform to applicable federal and local building codes and accreditation standards at the CDF.
  - c. DOC shall inspect facilities as outlined in this directive to identify and report maintenance problems for timely repair.
  - d. Appropriate governmental agencies will inspect DOC facilities at specified intervals. DOC shall take remedial action when indicated.
  - e. DOC shall maintain an inventory controls system for all tools, supplies and equipment required for the preservation of DOC facilities.
5. **NOTICE OF NON-DISCRIMINATION**
  - a. In accordance with the DC Human Rights Act of 1977, as amended, DC Official Code Section 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is prohibited by the Act. In addition, harassment based on any of the above protected

categories is prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subjected to disciplinary action.

- b. DOC prohibits discrimination against inmates based on an inmate's race, religion, national origin, gender, sexual orientation, or disability when making administrative decisions and in providing access to programs.

**6. DIRECTIVES AFFECTED**

**a. Directives Rescinded**

PS 7500.2                      Facilities Management (7/1/04)

**b. Directives Referenced**

- 1) PS 2920.1C              Fire Safety
- 2) PS 2920.4              Inspections and Abatement Program
- 3) PS 2920.5              Emergency Response and Evacuation Plan
- 4) PS 2920.8              Environmental Safety and Sanitation Inspections and Abatement
- 5) PS 4210.2              Institutional Work Programs
- 6) PS 5010.1              Security Inspections
- 7) PS 5010.2              Accountability for Inmates
- 8) PS 5010.3              Contraband Control
- 9) PS 5022.1              Tool Control
- 10) PS 5320.1              Key Control

**7. AUTHORITY.** DC Code Section § 24-211.02 Powers; Promulgation of Rules

**8. STANDARDS REFERENCED**

- a. American Correctional Association (ACA) 2<sup>nd</sup> Edition Standards for Administration of Correctional Agencies: 2-CO-2A-01, 2-CO-2A-02 and 2-CO-2B-01.
- b. American Correctional Association (ACA) 4<sup>th</sup> Edition Performance-Based Standards for Adult Local Detention Facilities: 4-ALDF-1A-06, 4-ALDF-1A-20, 4-ALDF-1C-12, 4-ALDF-1C-13, 4-ALDF-1C-14, 4-ALDF-1C-15, 4-ALDF-2D-01, 4-ALDF-2D-02, 4-ALDF-4B-08, 4-ALDF-4B-09 and 4-ALDF-4C-11.

9. **DOC RESPONSIBILITIES.** The Warden, in conjunction with Facilities Manager and the DOC Environmental Safety and Sanitation (ESS) team shall provide oversight and contract monitoring to ensure the contractor maintains CDF in compliance with applicable federal and local building and life safety codes and the contractual agreement.

10. **EMERGENCY EQUIPMENT AND SYSTEMS**

- a. The Facilities Manager shall ensure that the following are conducted:
  - 1) Quarterly tests of emergency equipment and systems.
  - 2) Weekly inspections and not less than quarterly load tests of power generators (more frequent tests shall be applied if provided in the manufacturer's recommendations and instruction manual).
- b. Essential lighting and life-sustaining functions are maintained inside the facility and with the community in an emergency.

11. **INVENTORY CONTROL**

- a. The Facilities Manager shall ensure an accurate accounting and a complete, accurate, and current inventory for all tools, supplies and equipment assigned to Facilities Maintenance tradesmen.
- b. Periodic physical inventory shall be taken on an annual basis.
- c. The Facilities Manager shall ensure that the Facility Maintenance Contractor reorders materials as needed to replenish the inventory and removes and disposes of excess or obsolete items from the physical inventory on an annual basis.

12. **ENERGY CONSERVATION**

- a. The Facilities Manager shall institute an energy conservation program for all department facilities.
- b. During cooling season, the temperature shall be maintained at a level no lower than 78°F.
- c. During heating season, the temperature shall be maintained at a level no higher than 68°F in occupied areas and 55°F in unoccupied areas.
- d. Primary hot water temperatures shall be maintained as low as possible while still ensuring an adequate supply of 100° to 120°F water at the tap in inmate housing areas.
- e. If lowering the primary water temperatures restricts the supply of adequate

hot water for dishwashers and laundry operations, booster heaters shall be installed and operated. The final rinse cycle temperature shall be 180°F for dishwashers and 160°F for laundry operations.

13. **CAPITAL IMPROVEMENTS PROGRAM.** The Facilities Manager shall administer and manage all Capital Improvements Program (CIP), Environmental Remediation (ER) and Externally Contracted Construction (ECC) projects in DOC, to include coordinating budget, design, project management and construction activities related to the project.
14. **PERIODIC REPORTING**
  - a. The Facilities Manager shall provide an updated report on Facilities Management operations on a monthly basis, as required to update the department's Strategic Goals Report.
  - b. In addition to the monthly report, the Office of Management Information and Technology Services (OMITS) shall be responsible for designing and generating other reports that may be necessary and required to respond to inquiries from the Courts, consultants and regulatory agencies.
15. **FACILITIES MAINTENANCE CONTRACTOR REQUIREMENTS.** Pursuant to a contractual agreement, the contractor shall:
  - a. Operate, maintain, monitor, and adjust the day-to-day operations of all mechanical, electrical, and building systems as per the DOC Micro Main Computerized Maintenance Management System (CMMS).
  - b. Develop and implement, subject to DOC approval, an effective, consistent, and documented preventive maintenance program that targets system performance, life cycle, cost, energy consumption, and safety.
  - c. Receive, record and respond to maintenance trouble calls and perform routine, after-hours and emergency maintenance repairs needed to resolve the problems and prevent recurrence.
  - d. Receive, record and respond to user requests for maintenance services such as "hot/cold" complaints, minor building maintenance, minor repairs, lamp replacement, and other miscellaneous services related to customer comfort.
  - e. Provide assistance as related to the physical plant and equipment shutdowns during emergencies to include but not be limited to emergency evacuations.
  - f. Provide assistance and collaboration, based upon their expertise, with city engineers after an emergency that may have affected the physical structure to determine if the facility is habitable.

- g. Develop checklists for survey and documentation of regular inspections of equipment critical to the reliable performance of the facility infrastructure.
- h. Conduct facility inspections and, based upon expertise and routine observations, input work orders.
- i. Participate in DOC, DC Fire and Emergency Services (DCFEMS), DC Department of Health (DOH) and DC Occupational Safety and Health Authority (DC OSHA) inspections. Where possible, the contractor shall take immediate corrective actions for cited deficiencies and/or participate in development a plan of action to abate deficiencies.
- j. Maintain a skilled workforce pursuant to the contractual agreement.
- k. Provide inmate work opportunities and manage the work force to include safety orientation and training; payroll; performance evaluations and basic work activities supervision.
- l. Adhere to DOC safety and security policies and procedures to include but not be limited to employee ethics and conduct; tool and key control and control of hazardous materials.
- m. The contractor shall control use of keys, tools, equipment and materials pursuant to security policies and procedures in accordance with PS 5320.1A *Key Control* and PS 5022.1B *Tool Control*.

**16. INMATE WORKERS.**

- a. Facilities Management may utilize detail inmates to assist in accomplishing maintenance work at DOC facilities.
- b. Pursuant to PS 4210.2 *Inmate Institutional Work Program*, the contractor shall prepare and submit performance evaluations for inmate workers.
- c. The respective tradesman shall:
  - 1) Ensure inmates are orientated regarding rules for inmate employment in the respective trade;
  - 2) Provide technical instruction/direction to inmates regarding building trades activities, work safety to include but not be limited to equipment safety and accident prevention.
  - 3) Supervise and check inmate's work for quality and quantity;
  - 4) Maintain accountability and control of the inmates assigned to them in accordance with PS 5010.2D, *Accountability of Inmates* and PS 5010.3C, *Contraband Control*; and

- 5) Prepare monthly progress reports, using the Squad Monthly Rating Form.
- d. Inmate workers shall be searched prior to return to their housing unit at the end of the workday. If contraband is found on the inmate's person or in his/her possession, the inmate shall be subject to disciplinary action in accordance with the institutional disciplinary code.

## 17. REPORTING MAINTENANCE PROBLEMS

- a. Housing unit or other designated officers, Command Center and correctional supervisors, as well as maintenance tradesmen at the CDF, shall enter observed maintenance problems into Computerized Maintenance Management System (CMMS), the automated reporting system.
- b. Shift commanders shall monitor the automated database to ensure that inspections are conducted, deficiencies are entered into the database in a timely manner and to monitor environmental issues within the housing units.
- c. All other employees at CDF, Grimke and ancillary sites shall report maintenance problems that they observe by calling (202) 673-8114.

## 18. MAINTENANCE PROBLEM PRIORITIZATION. Maintenance problems and response times are prioritized in the Computerized Maintenance Management System (CMMS).

### a. **Priority One Maintenance Problems**

- 1) Priority One Maintenance Problems include sewage spills, non-working water, clogged sinks, major leaks, non-working toilets, power failures, non-working laundry equipment, no light in cell, exposed wires, broken switches, major air quality and ventilation problems and cell temperatures below 65 degrees or above 84 degrees. Priority One Maintenance Problems may pose a threat to health and/or safety of the affected inmate(s).
- 2) The Maintenance Foreman shall make every effort to address Priority One problems as expeditiously as possible.

### b. **Priority Two Maintenance Problems.** Priority Two maintenance problems are minor deficiencies (i.e., leaky faucets or missing/broken vacuum breakers) not of sufficient urgency that they cannot be handled in a normal work-planning schedule. These maintenance tasks problems shall be corrected as soon as possible.

### c. **Priority Three Maintenance Problems.** Priority Three Maintenance problems include, but are not limited to, painting and other routine, non-

emergency maintenance projects. The General and Lead Foremen shall ensure Priority Three problems are scheduled and completed in a timely manner.

**19. INMATE RELOCATION FOR NON-CORRECTION OF PRIORITY ONE MAINTENANCE PROBLEMS**

- a. If a Priority One problem is not fixed within four hours, Maintenance Foreman shall determine whether to declare the cell inoperable because the condition poses a threat to health and/or safety of the affected inmates(s).
- b. If the Maintenance Foreman declares the cell inoperable he/she shall notify the Shift Commander immediately. The Shift Commander shall decide whether to move the cell occupants into another cell based upon stipulations in PS 2920.4A, Environmental Safety and Sanitation.
- c. If the problem does not pose a threat to the health and/or safety of the inmate(s), or there are overriding security concerns, the Shift Commander or higher authority may make a decision not to move the inmate(s).
- d. In cases where a decision is made not to move inmate(s), the Shift Commander shall document the reason, using the "override" field in the database and make notification to the Deputy Warden for Operations prior to the expiration of the four hour time limit.
- e. The Deputy Warden for Operations and the Facilities Manager shall continuously monitor the situation and ensure that the problem is expeditiously addressed.

  
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Director