NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
100

ADMINISTRATIVE REGULATIONS
(TEMPORARY)

Supersedes: AR 100 10/15/12
Effective date: 12/17/15

AUTHORITY: NRS 209.131; 209.391

RESPONSIBILITY

The Director of the Nevada Department of Corrections, (NDOC) is responsible for the implementation of this administrative regulation (AR).

The Executive AR Policy Panel will consist of the Director, the Deputy Directors, the Medical Director, Inspector General and the Human Resources Administrator. The Executive AR Policy Panel will be responsible for policy development. The Director will make the final decision regarding all policies. The Executive AR Policy Panel may consult with subject matter experts regarding proposed adopted input. The designated counsel from the Attorney General's office may also be consulted.

100.01 DEVELOPMENT OF ADMINISTRATIVE REGULATIONS

1. The Director will designate a Departmental AR Policy Coordinator who will facilitate the Executive AR Policy Panel meetings and who will perform duties as AR Custodian.

2. The AR Policy Coordinator will establish a general standard format for the publication of regulations.

3. The AR Policy Coordinator will announce which ARs are scheduled to be reviewed by the Executive AR Policy Panel. The coordinator will attach the current version of each AR scheduled to be reviewed to the notification and will set a 14 day deadline for input from all NDOC staff.

4. The Director and/or AR Policy Coordinator may assign an appropriate staff member to act as the subject matter expert (SME) for each AR and the SME will also review the current AR for any changes.

5. NDOC staff may recommend changes, additions, and/or submit input for any of the ARs scheduled to be reviewed by the Executive AR Policy Panel. Input must be

submitted using established procedures which include, but are not limited to, the following:

A. Input must be submitted to the AR Policy Coordinator on NDOC Form 049, Administrative Regulation Input Form.

B. Input submitted must relate to the current version of the AR and/or the proposed draft of the AR. Input relating to an older version of the AR will not be considered.

C. Input must specifically identify which section(s) of the AR is being commented upon, and must include recommended verbiage for the proposed changes as well as an explanation of the justification and/or need for the proposed change.

D. Input must be submitted to the AR Policy Coordinator via email or regular mail (USPS or Inter-Departmental). Mail must be received or postmarked within the 14 day deadline.

E. No anonymous input will be considered.

F. The AR Policy Coordinator must receive the input no later than the announced deadline date or it will not be considered.

6. Upon receipt, the AR Policy Coordinator will acknowledge all appropriate AR input (excluding anonymous), and forward it to the designated SME who is responsible for the AR.

7. The designated SME will schedule a time to meet or confer with those employees who submitted the input. After deliberation, the SME will make a recommendation as to whether to adopt or reject the input in whole or part. SMEs will document their contact with employees who submit input.

8. The SME will draft the proposed AR incorporating some, all or none of the staff's recommendations and submit the draft AR to the AR Policy Coordinator.

9. The AR Policy Coordinator will submit the draft AR to the Executive AR Policy Panel for review and comments.

10. Once the Executive AR Policy Panel has tentatively approved the draft AR, the AR Policy Coordinator will announce and send out all draft ARs for final comment from all NDOC staff.

11. NDOC staff may recommend changes, additions, and/or submit final input for any of the second draft ARs to the AR Policy Coordinator and must follow the established procedures in number five (5) above.

A. The Director and/or Executive AR Policy Panel may consult with designated counsel from the Attorney General's Office regarding proposed input prior to adoption.

B. The Director and/or the Executive AR Policy Panel will consider all proposed input, but the Director will make the final decision regarding any changes, additions, or deletions to the AR.

12. Draft ARs should be reviewed by the Executive AR Policy Panel and the designated counsel of the Attorney's General Office as needed.

13. Any draft AR that has been signed by the Director shall become a Temporary AR with the force of policy until presented at the meeting of the Board of Prison Commissioners and approved thereby, where after it will become the operative AR. Draft temporary ARs will be effective on the date signed by the Director.

14. Temporary ARs put forth to the Board of Prison Commissioners will, at the next scheduled board meeting, be approved as a Permanent Regulation or retained as a Temporary AR with recommendations for amendment at the following meeting. If approved by the Board of Prison Commissioners, the AR will be effective on the date of approval.

15. Regulations relating to health care services put forth as Temporary ARs in accordance with paragraphs 13 and 14 above shall be co-signed by the Director and the Medical Director.

16. ARs will be organized in the following series:

G. 100 series – General Administration

H. 200 series – Fiscal Management

I. 300 series – Human Resources, EEO / Employee Development, Payroll

J. 400 series – Institutional Management

K. 500 series – Classification & Management of Inmates

L. 600 series – Health Care Services

M. 700 series – Inmate Regulations

N. 800 series – Inmate Programs

17. ARs approved by the Board of Prison Commissioners are public documents and will not contain specific operational procedures that affect the safety and/or security of NDOC institutions/facilities, inmates and/or staff. Specific operational procedures that affect the safety and/or security of NDOC institutions/facilities, inmates and/or staff are confidential and do not constitute public documents.

18. ARs should be placed in all inmate law libraries for inmate access and published on the Department's web site for public access.

100.02 ADMINISTRATIVE REGULATION REVIEW AND REVISION

1. ARs may be revised as necessary, without schedule, using the Draft/Temporary AR process set forth within this AR.

2. ARs should be revised as needed and reviewed for update at least every three (3) years.

3. An AR is effective until it is rescinded, replaced by a Temporary AR, or until a revised AR is approved by the Board of Prison Commissioners.

100.03 DISTRIBUTION AND IMPLEMENTATION OF ADMINISTRATIVE REGULATIONS

1. The AR Policy Coordinator will maintain the original signed ARs and distribute copies of the ARs to Wardens and Division Heads. The AR Policy Coordinator should ensure the ARs, the AR Table of Contents, and the definitions are placed on the Department's website.

2. The AR Policy Coordinator will send a Department-wide email to all NDOC staff notifying them when a new or revised AR has been posted to the Department website.

3. Wardens and Division Heads will distribute ARs to their subordinate staff, as appropriate. Wardens and Division Heads will ensure a complete and current paper copy of all ARs is maintained at their facility to ensure accessibility to employees who may not have computer access.

4. Wardens and Division Heads will ensure that staff are trained regarding ARs affecting their employment.

5. Wardens and Division Heads will ensure that ARs and definitions are placed in all inmate law libraries for inmate access.

6. The establishment of NDOC Administrative Regulations does not create any right, liberty or property interest, or establish the basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

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7. NDOC Administrative Regulations do not create any liberty interest or right to any classification status, employment or housing placement, on behalf of inmates, nor is any liberty interest to be implied from any part of these regulations.

8. Divisions, institutions, and facilities will establish Operational Procedures to implement the requirements of ARs to their operations and environment. Operating Procedures do not create any right, liberty or property interest, or establish the basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

APPLICABILITY

1. This regulation requires Operational Procedures for each Division, institution and facility.

2. This regulation requires an audit.

REFERENCES:

ACA Standards 4-4004; 4-4012; 4-4014

S. K. McDaniel
Director

12-17-15
Date