



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



JOHN Q. HAMM
COMMISSIONER

December 15, 2022

ADMINISTRATIVE REGULATION OPR: RESEARCH AND PLANNING
NUMBER 003

ADMINISTRATIVE REGULATIONS EXEMPTION

I. GENERAL

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

II. POLICY

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

III. DEFINITION(S) AND ACRONYM(S)

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

B. Exemption: Waiver of criteria.

IV. RESPONSIBILITIES

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

B. The Director of Research and Planning shall be responsible for coordinating ADOC Form 003-A, Administrative Regulation Exemption Requests, between the requesting party, the Associate Commissioner of Plans and Programs, and the Commissioner.

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

V. **PROCEDURES**

- A. Warden/Director shall submit in writing, on ADOC Form 003, Administrative Regulation Exemption Request, to the Director of Research and Planning who will review the request and ensure necessary details are clearly explained before taking to the Associate Commissioner of Plans and Programs. If any necessary information is missing, the Director of Research and Planning will contact the Warden/Director who submitted ADOC Form 003-A for more details.
- B. These requests must contain at least the following:
1. The AR section cite(s) for which the exemption is being requested.
 2. Reason for non-compliance with the AR or any of its parts.
 3. Staffing, funding, or other changes needed in order to comply.
 4. Timetable needed to comply.
- C. The Associate Commissioner of Plans and Programs will review and evaluate the request and upon completion will make the recommendation for approval or denial. The request will then be returned to the Director of Research and Planning who will forward to the Commissioner for consideration.
- D. The Commissioner shall make the final determination and return the original request and decision to the Associate Commissioner of Plans and Programs.
- E. The Associate Commissioner of Plans and Programs shall notify the Warden/Director, as well as the Office of Primary Responsibility (OPR), of the final decision through provision of the completed ADOC Form 003-A, Administrative Regulation Exemption Request.
- F. The AR exemptions will be reviewed on an annual basis by the respective AR author in conjunction with the annual review of ADOC AR(s).
- G. All previously granted AR exemptions are automatically terminated upon issuance of a new AR for which the exemption was granted or when the approved timetable needed to comply has been reached.
- H. The Warden/Director shall notify the Associate Commissioner of Plans and Programs when approved exemption requests are no longer needed.

- I. The Associate Commissioner of Plans and Programs will notify the Commissioner when the exemption request is no longer needed.

VI.

DISPOSITION

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

VII.

FORMS

ADOC Form 003-A, Administrative Regulation (AR) Exemption Request

VIII.

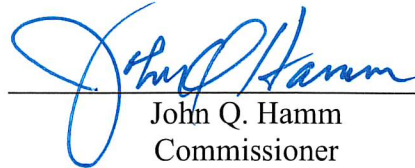
SUPERSEDES

This Administrative Regulation supersedes AR 003, Administrative Regulations Exemption, dated May 5, 2004.

IX.

PERFORMANCE

Code of Alabama 1975 14-1.1.



John Q. Hamm
Commissioner

ADMINISTRATIVE REGULATION (AR) EXEMPTION REQUEST

TO: Associate Commissioner of Plans and Programs _____

FROM: Warden/Director _____ DATE: _____

AR # _____

Reasons for current non-compliance or lack of applicability _____

Staffing, money, and such required in order to comply _____

Timetable needed in order to comply _____

Comments by Warden/Director _____

Comments by Associate Commissioner of Plans and Programs _____

Comments by Commissioner _____

_____ Exemption Granted

_____ Exemption Denied

Commissioner's Signature

Date

ADOC Form 003-A