

Commission on VASAP Certification Manual

Definitions

“**ASAP**” means Alcohol Safety Action Program formed by political subdivisions or by the Commission as a criminal justice program that uses community and state services to address the problem of driving under the influence of alcohol and other drugs within the Commonwealth of Virginia pursuant to §§18.2-271.1 and 18.2-271.2 of the Code of Virginia.

“**Certification**” means the process whereby the Commission evaluates an ASAP for its organization, management, fiscal standing, and overall operation. ASAPs must be certified by the Commission in order to receive referrals of persons convicted of DUI by the courts.

“**Commission**” means the agency established in the legislative branch of state government as the Commission on Virginia Alcohol Safety Action Program as found in §18.2-271.2 of the Code of Virginia.

“**Director**” means the person who is in charge of and accountable for the operation of an ASAP.

“**DMV**” means the Commonwealth of Virginia Department of Motor Vehicles.

“**DUI**” means operating or driving a motor vehicle or boat under the influence of alcohol or other drugs as found in §§18.2-266, 46.2-341.28, and 29.1-738 of the Code of Virginia.

“**Executive Director**” means the Executive Director of the Commission on VASAP. This person is appointed by the Commission and is responsible for carrying out the purposes of §§18.2-271.1 and 18.2-271.2.

“**Policy Board**” means a group established by the ASAP which gives direction to the ASAP’s activities and provides input of local needs. This board may also be established in accordance with §§18.2-271.1 and 18.2-271.2 of the Code of Virginia.

“**VASAP**” means the Virginia Alcohol Safety Action Program, a probation intervention system providing services to offenders referred to an ASAP by the courts or as a requirement of an administrative DMV requirement. VASAP consists of the Commission on VASAP, the Advisory Board to the Commission on VASAP, local ASAP Policy Boards and the local Alcohol Safety Action Programs as established in §§18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Certification Authority

All programs established or operating under § 18.2-271.1 of the Code of Virginia are required by § 18.2-271.2 to be certified by the Commission.

Certification of Alcohol Safety Action Programs (ASAPs) within the Commonwealth of Virginia is established to ensure administrative consistency within the VASAP system and the quality of services provided to DUI offenders, the courts and the community.

The Commonwealth of Virginia is served by 24 local ASAPs located throughout the Commonwealth. A certification team will perform a triennial inspection of each ASAP.

Certification Methodology

1. Team Composition:

Each certification team will consist of members appointed by the Executive Director.

2. Training:

The Executive Director or designee shall be responsible for providing training to each certification review team.

3. Confidentiality:

Each certification team shall adhere to all federal, state, and local laws governing confidentiality.

4. Documentation Request:

Prior to the certification team's review, the Executive Director will solicit from each ASAP necessary documentation concerning the operation of the program. After compilation of the requested information, it shall be distributed to the certification team. The data shall be used to assist with the certification review of the ASAP.

5. Offender File Review:

The certification team will review a random selection of offender files to ensure compliance with case management and administrative requirements found in the *VASAP Operational Guidelines*, the *VASAP Ignition Interlock and Remote Alcohol Monitoring Process and Procedure Manual*, and the *VASAP Certification Manual*.

6. ASAP Staff Interviews:

The certification team may interview a randomly selected number of ASAP staff.

7. Office Inspection:

At the discretion of the Executive Director, on-site visits to the ASAPs may be scheduled to collect additional information, make observations and examine office spaces.

8. Summation Conference:

Upon completion of the certification review, the certification team may hold a summation conference with the ASAP Director to provide information regarding any tentatively identified areas of deficiency.

9. Report Submission:

A written report of the certification team's findings shall be submitted to the Executive Director, noting any findings of deficiency. The chair of the reviewing team shall be responsible for submission of the report.

10. Final Certification Report:

A copy of the final certification report shall be provided to the ASAP Director and Policy Board members. If deficiencies are identified, the ASAP shall provide a corrective action plan within 10 days of notification from the Executive Director.

11. Recommendation of Certification:

The Executive Director shall provide the Commission with a report which contains the names of the ASAPs that are recommended for certification. The commission shall consider the recommendations of the Executive Director, and if necessary, review the findings, documents, documentation of compliance, as well as any other relevant material received in order to make a certification decision.

12. Certification Decision:

The Commission shall make a certification decision to either certify, conditionally certify, or fail to certify an ASAP. The Commission may also revoke an ASAP's certification. If the Commission fails to certify or revokes an ASAP's certification, the Commission may establish a new ASAP.

13. Certification of Approval:

A certificate of approval shall be delivered or mailed to the ASAP and shall be kept in custody and control of such ASAP, posted in such a manner as to be viewable by the general public.

14. Certification Report Dissemination:

The certification review and findings are the property of the Commission. The Commission shall be the sole source responsible for dissemination of any information regarding an ASAP's certification review.

Standards

Each ASAP shall comply with the below standards as indicated. Each standard shall be reviewed at the time of certification for compliance and at such time as the Commission deems necessary in order to ensure continued compliance.

Statement of Purpose and Core Values

1. Each ASAP shall have written goals and objectives which reflect the Commission's overall mission.
2. Each ASAP shall adhere to the VASAP core values.

Policy Board

1. Each ASAP shall have an independent legally-constituted Policy Board which gives direction and guidance to the ASAP.
2. The Policy Board shall have written bylaws consistent with Commission policy and procedures.
3. The Policy Board shall meet at quarterly and provide the Executive Director with meeting minutes.

Personnel

1. Each ASAP shall have an identifiable Director.
2. Each ASAP shall have a program organizational chart which clearly delineates administrative and staff responsibility for program operations, and reflects positions identified through job descriptions.
3. Each ASAP shall have written job descriptions which include at a minimum, explicit job qualifications for all staff positions. The certification team will sample and review descriptions for all positions on the organizational chart.

Policy and Procedures

1. Each ASAP shall have a written personnel policies and procedures manual which shall comply with all applicable federal, state or local mandates. The manual, at a minimum, shall include the following areas:
 - a. Benefits: Each ASAP shall have clear descriptions of personnel benefits.
 - b. Confidentiality: Each ASAP shall have policies and procedures regarding disclosure of offender information that comply with all state and federal regulations. Included in these procedures shall be measures to ensure security, storage, access and destruction of all offender records.

- c. Conflict of interest: Each ASAP shall have policy and procedures to avoid any activity deemed to be in conflict with the interests of the program.
- d. Equal opportunity: Each ASAP shall have personnel policy and procedures including, but not limited to, recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment that provide equal opportunities and do not discriminate on the basis of race, color, religion, sex, age, national origin, disability, pregnancy, genetic information, veteran status, sexual orientation or any classification protected by applicable law (except where there is a bona fide occupational requirement).
- e. Grievance procedures: Each ASAP should have policy and procedures to provide for resolution of employee problems and complaints wherein employees can freely discuss their concerns and ensure that employees will have an effective procedure by which various grievances can be fairly and objectively reviewed.
- f. Office hours: Each ASAP shall have specific, stated hours of program operation being open to the public a minimum of eight hours per day, Monday through Friday.
- g. Salaries: Each ASAP shall have policy and procedures to assign a salary grade for each job position.
- h. Performance appraisal: Each ASAP shall have policy and procedures to provide an effective means for appraising the work performance of employees.
- i. Personnel records: Each ASAP shall have policy and procedures to maintain a complete and accurate personnel record for each employee. Included in these procedures shall be measures to ensure security, storage, access and destruction of all personnel records.
- j. Probationary period: Each ASAP shall have policy and procedures to require satisfactory completion of a probationary period as a prerequisite to continued employment, unless otherwise determined by local or state directives.
- k. Purchasing: Each ASAP shall have a written procurement plan.
- l. Reduction in force (staff): Each ASAP shall have a written reduction in force (staff) policies and procedures. An annual reduction in force plan shall include clear and distinct criteria and processes for personnel and positions affected, as well as, rationale for each proposed staff reduction and budgetary impact.
- m. Standard of conduct: Each ASAP shall have written standards of conduct designed to protect the well-being and rights for all employees, to provide a safe efficient operation and to maintain compliance with public law.
- n. Termination of employment: Each ASAP shall have policies and procedures for termination of employees.
- o. Training: Each ASAP shall have policy and procedure to ensure that all staff participate in all Commission training as well as to encourage and assist in staff development through academic study or through such other means to contribute to further service to the local ASAP program.

p. Travel: Each ASAP shall have policy and procedures for work related travel. Where local regulations do not exist, travel must conform to the Commonwealth of Virginia travel regulations.

2: The certification review team will require documentation, evidence, or statements verifying action or efforts to fulfill each policy or procedure.

Staffing

Each ASAP shall employ sufficient staff to ensure that required services are provided.

Fiscal Policies

Each ASAP shall have written fiscal policies and procedures conforming to generally-accepted accounting principles. Such policies should include, at a minimum, budgeting, purchasing, auditing, property management, receipt of revenue, accounts payable, accounts receivable and methods of accounting.

Certification Waivers and Contestments

1. A justified exemption may be granted from a specific VASAP certification requirement or any part thereof upon approval of the Executive Director.
2. In the event of certification disputes with the certification review team, or the denial of a request for waiver of certification requirements by the Executive Director, the ASAP Director or Policy Board chair may request a hearing before the Commission. The request for the hearing must be in writing and submitted to the Commission 30 days prior to the next regularly scheduled meeting of the Commission. Upon receipt of a written request, the Commission or its designee shall schedule a hearing. Failure to file such a request or to appear as scheduled shall be deemed a settlement of the certification dispute or acceptance of the Executive Director's waiver decision.