

ARKANSAS DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES  
DDS DIRECTOR'S OFFICE POLICY MANUAL

Policy Type	Subject of Policy	Policy No.
Administrative	Use of Lands/Facilities/Equipment	1041

1. Purpose. This policy clarifies the role of DDS staff in determining the use of lands, facilities, and equipment which are under the authority of the DDS Board.
2. Scope. This policy is directed to all DDS employees and to any other individual or entity interested in the subject.
3. Use of Lands, Facilities, or Equipment by Outside Organizations. As authorized by the DDS Board, the DDS Director assigns responsibility for making recommendations for use of lands, facilities, and/or equipment as follows:
  - a. Any request received by DDS from an outside organization, including another State agency, to use lands, facilities, and/or equipment held by the DDS Board will be immediately referred to the on-site administrator of the land, facility, or equipment.
  - b. The on-site administrator, such as the superintendent, will determine the impact granting the use request would have on the land/facility/equipment, and covering at least the following:
    - 1) consistency of the request with DDS goals and objectives;
    - 2) potential interference of the request with existing or planned activities or uses by the particular program and its operations;
    - 3) assistance required of on-site personnel by the request;
  - c. The on-site administrator will make the decision as to whether or not the requested use covering 3.b.1-3 above, is in conflict with the management of the particular program. If not, the on-site administrator may proceed as specified in 3.d. and e. below.

Replacement Notation: This policy replaces DDS Policy 1041, dated August 3, 1981 and January 8, 1987.

Effective Date: December 1, 1993

Sheet 1 of 3

References: DDS Board Policy 1005; MR-DDS Institutional Services Policies RS-PO-4, Sept. 11, 1975, RS-PO-20, Feb. 13, 1978, RS-PO-22, Aug. 24, 1978, which are hereby superseded.

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council: November 4, 1993.

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- d. Lands/facilities/equipment use agreements will be prepared by the on-site administrator as properly executed contracts. The contract will specify:
    - 1) DDS will not be liable for any injuries or damages incurred by the requesting organization or participants during the course of the contract;
    - 2) The requesting organization indemnifies DDS in a written contract against any possible damage or loss;
    - 3) Additional benefits or services to be provided on the part of either or both parties set forth as a separate item;
    - 4) If any equipment is to be used outside DDS, a Transfer/Loan Request will also be completed.
  - e. Signed copies of the contract will be provided to all parties.
  - f. Should there be any question regarding the propriety of granting a particular request, the request will be sent to the DDS Director for processing, as outlined in 3.b., d., and e. above, along with the on-site administrator's recommendation.
4. Lease of DDS Lands and Facilities. As authorized by the DDS Board, the DDS Director assigns responsibility for recommendations on leasing as follows:
- a. Any lease request received by DDS from an outside organization (including another State agency) will be immediately referred to the administrator on site of the land or facility.
  - b. The on-site administrator (e.g., a superintendent) will determine the impact of granting the lease request would have on the land/facility. A documented recommendation to approve or deny the request will be sent by the on-site administrator to the DDS Director.
  - c. A lease request received by the DDS Director will be referred to the appropriate DDS Board Sub-Committee for review and recommendations with final approval by the Board unless specific authority is delegated by the Board.

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d. Signed copies of the final lease will be sent to all parties involved. A denial of lease request will be sent by the DDS Director to the requesting party with copies to all others.

5. Inter-Agency Recommendations for Use of Lands/Facilities/Equipment. Any recommendation for the use of agency lands, facilities, or equipment originating within the agency or originating outside DDS (e.g., parents) for the Agency to act on requires the DDS Director's concurrence to approve or deny under certain conditions:

a. when individual's welfare, safety, or health is at issue, or

b. when the appearance or value of the land/facility/equipment would be significantly altered. Such would also require action by the DDS Board.

Such recommendations with subsequent comments must go to the DDS Director from the on-site administrator.

6. Use of Equipment and Vehicles. See DDS Board Policy 1005, #5.

7. Contracting Requirements. See DDS Board Policy 1005, #6.

