

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
NEW YORK, NY 10007

ORDER - 73/30  
CTCR - 93/33

CHAMBERS OF  
JUDGE MORRIS E. LASKER

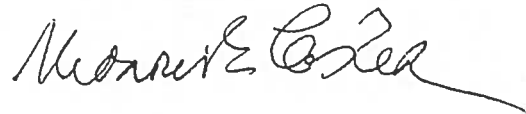
November 10, 1993

TO: Kenneth F. Schoen, Esq.  
Leonard Koerner, Esq.  
Robert Daly, Esq.  
John Boston, Esq.

RE: Benjamin v. Malcolm  
75 Civ. 3073 (MEL)

I have today signed and filed the order relating to environmental health work plan for sanitation forwarded to me by Mr. Schoen in his letter of November 8, 1993.

Very truly yours,



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JAMES BENJAMIN, et al.,

Plaintiffs,

75 Civ. 3073  
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

ERNESTO MALDONADO, et al.,

Plaintiffs,

76 Civ. 2854  
(MEL)

- against -

WILLIAM CIUROS, JR., et al.,

Defendants.

-----X

DETAINEES OF THE BROOKLYN HOUSE OF  
DETENTION FOR MEN, et al.,

Plaintiffs,

79 Civ. 4913  
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

DETAINEES OF THE QUEENS HOUSE OF  
DETENTION FOR MEN, et al.,

Plaintiffs,

79 Civ. 4914  
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

ORDER RE:  
ENVIRONMENTAL  
HEALTH WORK PLAN  
FOR SANITATION

-----X

IOLA FORTS, et al.,

Plaintiffs,

76 Civ. 101  
(MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

GUY ZEPH AMBROSE, et al.,

Plaintiffs,

76 Civ. 190 (MEL)

- against -

BENJAMIN J. MALCOLM, et al.,

Defendants.

-----X

The court has had jurisdiction, since 1979, over a set of Partial Final Judgments by Consent (Consent Judgments) in these cases that require, inter alia, that defendants maintain the jails in a condition which is clean, healthful, safe, free of vermin and insect infestation and which satisfies all applicable health laws and regulations.

In 1981 plaintiffs brought a motion to hold defendants in contempt for numerous violations of the Consent Judgments, including the provisions regarding environmental health; the factual allegations of plaintiffs' motion were not substantially disputed by defendants.

Since 1982 the Office of Compliance Consultants (OCC), a neutral third party established by agreement of the parties to monitor defendants' compliance with the Consent Judgments and assist the defendants in achieving compliance, has been monitoring defendants' compliance with the Consent Judgments and has found that defendants have not fully complied with the terms of the Consent Judgments regarding environmental health.

Pursuant to the Order Concerning Submission of Work Plans and Completion of the Compliance Process signed by the court on February 8, 1993, OCC has on November 8, 1993 submitted an Environmental Health Work Plan for Sanitation, based on consultation with the parties, setting forth a schedule for the implementation of measures to bring defendants into compliance with the environmental health provisions of the Consent Judgments. Pursuant to that Order, this Environmental Health Work Plan for Sanitation will be supplemented by a separate Fire Safety Work Plan and a Maintenance and Preventive Maintenance Work Plan.

On July 10, 1992, the court entered an Order re: Compliance with Work Plan Deadlines, in response to reports of unexcused violations of the March 1991 Classification Work Plan as well as the separate June 1991 Food Service Work Plan. This order, inter alia, requires strict compliance with all deadlines in all present and future work plans adopted by the court, sets out a procedure for seeking extensions of those deadlines, and provides for a system of monetary sanctions for further unexcused non-compliance with work plan deadlines.

Based on the foregoing,

IT IS HEREBY ORDERED that:

1. The Environmental Health Work Plan for Sanitation, dated November 8, 1993, attached hereto, is hereby adopted and shall be entered as an Order of this court.

2. Defendants, their agents, employees, successors and assigns, and all those in active concert and participation with them, including officials and agents of the Department of Correction and all other agencies of the executive branch of New York City, shall strictly adhere to all deadlines in this Work Plan except as otherwise authorized by the court.

3. Unexcused noncompliance with this Work Plan shall subject the defendants to monetary penalties pursuant to the court's separate Order re: Compliance with Work Plan Deadlines, entered July 10, 1992.

4. On Wednesday of each week, defendants shall certify to the Office of Compliance Consultants and to the Court that they have complied with each work plan deadline falling due during the previous week, or alternatively shall state that they have failed to comply with one or more deadlines and shall further state both the reasons for their failure to comply and the measures that they have taken promptly to remedy such failure. These certifications shall actually be delivered on Wednesday of each week to the Office of Compliance Consultants, which shall promptly transmit them to the Court and plaintiffs' counsel. The Commissioner or her designee shall identify to the Court a responsible official within the Department of Correction who

shall be personally responsible for making all notifications required by this paragraph. The obligations of this paragraph extend to all work plan deadlines required to be performed by defendants, including those that require action or cooperation by city agencies other than the Department of Correction.

SO ORDERED.

DATED: November \_\_\_\_, 1993

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United States District Judge

# ENVIRONMENTAL HEALTH WORK PLAN FOR SANITATION

## INTRODUCTION

### HISTORY

The consent decree, entered by the Court in 1978, mandates that:

Defendants shall maintain the institution[s] in a condition which is clean, healthful, safe, free of vermin and insect infestation and which satisfies all applicable health laws and regulations.<sup>1</sup>

The consent decree requires that the Department designate executive staff to oversee the establishment and maintenance of environmental conditions at all Department facilities where detainees are held. The consent decree also provides for the assignment of an "environmental health officer", who is directly responsible for maintaining environmental conditions in compliance with the terms of the consent decree.

Assuming the presence of effective procedures, sufficient supplies, adequately trained staff, and clear lines of accountability, keeping a jail clean should be within the power of every warden. In recent times, the Department has demonstrated that it is possible to accomplish this in both old and new jails, but has not been able to consistently maintain clean jails system-wide.

In 1983, the Department began a training program to inform facility staff of consent decree requirements and to set a foundation for an internally controlled environmental health program. Several months later, the Department established a task force to set goals and direct the compliance effort. A primary focus was the development and implementation of sanitation and housekeeping procedures that would help create a clean and sanitary environment in the jails.

Despite the creation and preliminary efforts of the task force, it became clear that a quick resolution to the environmental health problem would not be forthcoming. Little progress was made over the next two and one-half years. Despite earlier predictions, the task force failed to address the main environmental health provisions of the consent decree, *i.e.*, sanitation, housekeeping and plumbing. Because the Department had failed to meet its obligations, OCC decided, in mid-1986, to become more involved in the compliance effort. However, after that decision was made, a change in Department

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<sup>1</sup> To accomplish this objective, the consent decree sets forth detailed requirements and specific standards in the areas of housekeeping, refuse, vermin and insect control, plumbing, and food preparation, service and storage areas.

Commissioners was announced. OCC hoped that the incoming administration would be able to formulate an effective strategy and develop an organizational structure that would enable the Department to achieve compliance in the environmental health area.

Two years later (April 1988), after little remedial action had been taken, OCC brought in its own environmental health consultant to stimulate movement on the issue. Ted Gordon of Washington D.C., an authority in the field, was engaged to make a limited assessment of environmental health conditions and submit recommendations for ameliorating any problems he might identify. After touring two Rikers Island facilities, Mr. Gordon presented his findings. In addition to pinpointing severe environmental health problems and noting extensive consent decree violations, Mr. Gordon described the overall environmental conditions as "dangerous and potentially resulting in disease."<sup>2</sup>

Shortly after the consultant's presentation, the Department responded to Mr. Gordon's findings in a letter that outlined immediate plans for remedying the highlighted problems. At a subsequent meeting with OCC, Legal Aid, representatives from the Mayor's Office and the Office of Management and Budget (OMB), the Department presented its long range plans for addressing systematic environmental problems. Despite OCC's hope that the Department's prompt response signaled the beginning of significant change in the rate of progress in environmental health, little was accomplished in the next two years.

Towards the end of 1988, the Department retained its own environmental health consultant, Dr. Bailus Walker. At a June 1989 meeting, Dr. Walker stated that he would conduct an environmental assessment of individual jails, which would be used to develop facility-specific sanitation plans. Neither OCC nor Legal Aid ever received the results of this environmental assessment.<sup>3</sup> In addition, a first draft of an environmental health plan was submitted in September 1989 for fiscal year 1990; a finalized version was never completed.

In June 1990, OCC brought Ted Gordon in to meet with the parties again in an attempt to establish a strategy and plan for addressing the significant environmental problems which continued to plague the Department's facilities. The parties agreed to focus on two priority issues, one of which was facility sanitation<sup>4</sup>. The parties decided

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<sup>2</sup> OCC Nineteenth Report to the Court (March 1-July 31, 1988) at 27-28.

<sup>3</sup>In response to a request for these materials by Legal Aid, the Department stated that it could not locate "any information or documents other than the material you have indicated is already in your possession." Letter, Legal Department to Prisoners' Rights Project, October 16, 1992.

<sup>4</sup>The other issue was preventive maintenance, which will be addressed in a separate work plan.



to select a single jail and work towards the development of a sanitation work plan that would enable that facility to become a "model jail" for the Department.

A subsequent meeting in July 1990 revealed significant impediments to forward movement; these impediments included budget issues,<sup>5</sup> the lack of existing policy and procedure manuals, and the absence of a Department-wide system that set goals and held people accountable for accomplishing established activities. In November 1990, the Department announced that it had hired an Assistant Commissioner for Assets Management, who was charged with coordinating maintenance, sanitation and service contract functions. The Department reported that it had also selected a Director of Environmental Health and was continuing its program to replace uniformed captains with professionally trained, civilian environmental health coordinators.

Six months later, little progress had been made. The Director of Environmental Health position was still vacant. The paperwork for the candidate who had been selected in the fall of 1990 was submitted to OMB in September of 1990. By December 1990, the paperwork had not been processed and the candidate withdrew his name. The Department submitted the name of a second candidate to OMB; Peter Genco, the current Director of Environmental Health, was hired in March 1991.

OCC audits throughout the first six months of 1991 continued to reveal consent decree violations and deteriorating living conditions in Department facilities. In light of these findings, OCC again restated its intent to focus more closely on environmental health issues. Recognizing that efforts in the environmental health area had moved more slowly than desired, OCC decided to break environmental health down into manageable elements, with sanitation as one of the starting points.

During the past two years, however, the Department failed to develop a comprehensive plan to address and remedy sanitation and housekeeping problems.

#### THE 1993 ENVIRONMENTAL HEALTH WORK PLAN FOR SANITATION

In accordance with the Schedule for Achieving Total Compliance, entered as an order by the Court on February 8, 1993, the Department of Correction submitted, on

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<sup>5</sup> Unlike most jail and prison systems, each jail does not have a budget solidly committed to the costs of maintaining the facility. While a figure is set in the initial budget, it has little relation to actual needs and funds are often diverted to other needs as the fiscal year proceeds. OCC's Twenty-Third Report to the Court (March 1-June 30, 1990) at 10.

February 1, 1993, a draft Environmental Health Work Plan for Sanitation<sup>6</sup> designed to bring the Department into compliance with the consent decree terms regarding sanitation.

The parties have met to review and negotiate the Department's proposals; the attached plan is a product of those efforts. The purpose of this plan is to develop policies and procedures for getting and keeping the jails clean. A summary of the plan's major components follows.

### Staffing

The Department currently has a designated Environmental Health Officer (EHO) in each jail. The Department has added a cadre of public health sanitarians who will be responsible for conducting independent inspections and coordinating responses to oversight agency inspections.

A recurring dispute between the parties is whether the EHO positions, required by the consent decree, should be filled by uniformed staff or civilians. It is Legal Aid's position that uniformed staff lack the training or qualifications necessary for these positions. The Department reaffirmed its intent to continue to employ uniformed staff, who must successfully complete a training course, in the EHO positions.<sup>7</sup> It is the Department's contention that, with respect to environmental health matters, well-trained uniformed staff (who answer to the wardens), audited by the civilian Public Health Sanitarians (who answer to Central Office), will be more effective in a uniformed institution. OCC agreed to the Department's approach, with the proviso that we will need to see results in the form of well-maintained jails. If the Department's performance does not improve, we will revisit this and all related aspects of this work plan, including staffing.

The work plan provides for the hiring of five additional public health sanitarians, bringing the total number to eight. Filling these positions will enable the Department's Environmental Health Unit to conduct more frequent, thorough inspections. The Department also intends to assign some of the sanitarians to specific jails. It is the Department's position that the regular presence of the sanitarians, coupled with their familiarity with the facility, will result in routine identification of environmental health violations and help prevent recurrence of the same problems.

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<sup>6</sup> The consent decree generally requires that the Department maintain an environment that is "clean, healthful [and] safe," in addition to a number of specific requirements serving those ends. For the purpose of developing work plans, the Department has subdivided environmental health into three areas: (1) fire safety, (2) maintenance and preventative maintenance, and (3) sanitation.

<sup>7</sup> The Department had previously decided to civilianize the EHO positions, but now believes that uniformed staff will be more effective in the jails.

Additional staffing issues are to be the subject of a workload management analysis, which is currently underway. This analysis will be conducted in order to provide a rational basis for determining the adequacy of staffing levels. The analysis, among other things, will examine how a particular task varies at different jails. It will also enable the Department to determine what are the "best practices", that is, the most efficient and cost-effective ways of performing the tasks. The Department will also study the requirements and qualifications needed for individual tasks; this will allow the Department to determine the appropriate staff allocations of either uniformed or civilian staff. This workload management analysis has been identified in the work plan.

The parties and OCC agree that staff who have responsibilities under the sanitation work plan must receive appropriate training and experience. The Department intends its study to enable it to determine the level of training required for the various staff positions and to facilitate the development of curricula for training programs. At the request of Legal Aid, the Department has agreed to submit the proposed training materials to OCC and Legal Aid for review and comment.

### Monitoring and Control

As discussed above, the Department intends to conduct regular environmental health inspections at each facility. Its inspection program is the subject of a draft directive to be negotiated between the parties. It is the Department's belief that these internal inspections, conducted by EHO's and sanitarians, will focus accountability within the Department for chronic environmental health violations. These Public Health Sanitarians will also audit environmental health captain activities and respond to oversight agency inspections.

Pursuant to the consent decree, the Department of Health (DOH) is also required to conduct "thorough" monthly inspections. Currently, the DOH states that four or five public health sanitarians spend one week of every month inspecting all the Department facilities for environmental health violations.<sup>8</sup> The work plan does not, however, incorporate the DOH monthly reports in its monitoring component, an omission that Legal Aid finds problematic. In addition to inclusion in the plan, Legal Aid believes that the DOH reports are not sufficiently thorough because all areas of an institution are not inspected during each visit. Legal Aid also believes that the reports should be forwarded to the Department more quickly, so that deficiencies can be corrected before the next inspection.

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<sup>8</sup> On any given day, DOH states that it has approximately 50 sanitarians in the field conducting inspections of all New York City businesses and agencies e.g., restaurants, camps and shelters. According to DOH, during one week of every month, 4-5 of these sanitarians focus exclusively on the City jails.

Currently, DOH's monthly reports are not sent to DOC until nearly one month after the inspection, even though DOC staff accompany DOH inspectors on their tours.

The Department of Correction and DOH dispute Legal Aid's contention that the reports are not thorough; both agencies believe that the current inspections and reports are sufficiently wide in scope. DOH notes, for example, that the 4-5 sanitarians responsible for the monthly jail inspections spend a full day in each facility. DOH acknowledges that there is rarely time for remedial action for one month's report prior to the next inspection. However, DOH claims that releasing the reports earlier is not feasible given their review process. The Department intends to continue its current practices, which include verifying and responding to the violations cited.<sup>9</sup>

OCC acknowledges the concerns expressed by Legal Aid concerning the DOH reports, and plans to meet with the DOH to discuss these concerns. In the meantime, OCC has begun entering the inspection results from the monthly Department of Health reports into a database program for the purpose of analyzing data in order to detect patterns of repeated offenses. This should help make the information contained in the reports more useful to the Department.

### Supplies

Sufficient supplies are crucial to maintaining a clean and sanitary environment. Reports by both OCC and Legal Aid have noted that the level of sanitation supplies in each facility is often inadequate. Some jails consistently have adequate supplies, while others are often missing necessary items. The Department acknowledges this situation. However, the Department emphasizes that this is only partially a budget-related problem and contends that the current deficiency of supplies is more likely due to internal management issues that need to be remedied by a centralized program.

Legal Aid proposed that the work plan provide for the development of a reliable automatic delivery system to ensure that adequate quantities of supplies are always stocked and distributed in each facility. The parties agree that such a system is essential. A schedule for its design and implementation is incorporated into the work plan.

### Environmental Health Directives and Housekeeping Manual

In July 1992, the Department submitted to the parties a preliminary draft of an Environmental Health Manual, which set forth detailed methods for cleaning and

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<sup>9</sup> DOC has fallen behind in this effort. As of July 1993, DOC had not responded to DOH reports dating back eight months to November 1992.

maintaining the Department's facilities. In order to facilitate the implementation of the requirements contained in the Manual, the Department also prepared several Environmental Health Directives.<sup>10</sup> Initial drafts of these documents were submitted to the parties in February 1993.

Pursuant to the work plan, drafts of four Directives were submitted to OCC and Legal Aid on June 30, 1993; drafts of the Manual and the balance of the Directives were submitted to the parties on July 30, 1993. Review of the Directives by OCC and Legal Aid has been completed and extensive comments have been submitted to the Department. The Department submitted revised drafts of six Directives to OCC and Legal Aid on September 22, 1993, and proposes to submit two additional directives on November 1, 1993, and the final two on November 15, 1993.

Legal Aid also proposed that the Manual and Directives, once finalized, be submitted to Court. The Department believes that this would subject them to an unacceptable level of oversight by the Court. OCC agrees with the Department on this point. OCC notes that directives developed in accordance with other work plans, e.g., classification, food service and inmate property, are negotiated pursuant to a Court-ordered schedule but are not submitted to Court for adoption. OCC believes that the same procedures should be followed in this work plan and, accordingly, OCC endorses the Department's position. However, all parties have agreed that if negotiations over the Directives result in disputes which cannot be resolved with the assistance of OCC, these disputes may need to be submitted to the Court for resolution.

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<sup>10</sup> A directive is an order promulgated by the Commissioner implementing policy programs affecting the functions and operations of the Department. Directives are, in turn, translated into "institutional orders" by the warden in each jail, instructing that jail's staff on how to carry out the directive.

## ENVIRONMENTAL HEALTH WORK PLAN FOR SANITATION

### I. ENVIRONMENTAL HEALTH DIRECTIVES AND HOUSEKEEPING MANUAL

In April of 1992, the Environmental Health Unit initiated steps to create Environmental Health Directives and a Housekeeping Manual. While the directives establish policy and procedures for the implementation of environmental health requirements, the manual principally defines methods of cleaning and maintenance. As a basis for the directives and the manual, the Environmental Health Unit reviewed all pertinent Departmental and facility policies and procedures as well as housekeeping manuals. By evaluating these sources from an environmental perspective, and incorporating appropriate sections from these sources, the Environmental Health Unit developed directives and a manual of proper cleaning and maintenance procedures. The objectives of the directives and manual are to:

- 1) Identify individuals who will be held accountable for the various environmental health violations for which the facilities are cited.
- 2) Develop an inspection procedure that clearly delineates administrative responsibility for environmental health violations.
- 3) Define the role of the Environmental Health Captain (EHO) and develop a certifying training course for the position.
- 4) Develop specifications consistent with the New York City Health Code as incorporated in the Consent Decree.
- 5) Develop procedures for the Department's Communicable Disease Unit (CDU) housekeeping staff which will be compliant with existing health codes.

The Department will prepare and submit a statement of duties and tasks for each DOC employee holding responsibilities in the areas of sanitation or environmental health to OCC and LAS through the issuance of Institutional Orders. Duties and tasks will be defined by shift, and will include the frequency with which those duties and tasks must be performed. These statements will be prepared in a succinct and readily understandable manner. A copy will be maintained on each respective staff member's post.

ACTIVITY

ACTIVITY  
DATE

- |    |  |                         |
|----|--|-------------------------|
| 1) | DOC to make second submission of the following Directives to OCC and LAS, for review and comment.<br><br>a. Environmental Health Program (#3900)<br><br>b. Work Order Procedures (#3910)<br><br>c. Barber Shop/Beauty Parlors (#4004R)<br><br>d. Inspection and Report Protocol (#3905)<br><br>e. Painting Procedures (#3909)<br><br>f. Control of Vermin/Pests (#4005R) | 09/22/93<br>[completed] |
| 2) | OCC and LAS to submit their comments on Activity 1 submission to DOC.  | 10/13/93<br>[completed] |
| 3) | Parties to meet and discuss Directives listed in Activity 1.   | 10/27/93                |
| 4) | DOC to make second submission of Housekeeping Directive (#3901) and Hazardous Waste Removal and Enzyme Treatment Directive (#3904) to OCC and LAS, for review and comment.   | 11/01/93                |
| 5) | OCC and LAS to submit their comments on Activity 4 submission to DOC.  | 11/15/93                |
| 6) | DOC to make second submission of Food Service - Re: Sanitation and Health Standards Directive (#3902) and Sanitation Procedures for Medical Areas Directive (#3903) to OCC and LAS, for review and comment.  | 11/15/93                |

<u>ACTIVITY</u>	<u>ACTIVITY DATE</u>
7) Parties to meet and discuss Directive #3901 and Directive #3904.	12/01/93
8) DOC to submit proposed schedule to OCC and LAS for issuance of Housekeeping Manual and Environmental Health Directives to facilities for implementation (last date will be 04/25/94). All parties concur, however, that the implementation of tasks defined in the Directives may be incremental, as they relate to activities in the Work Plan not scheduled for completion by 04/25/94. Those tasks which cannot be implemented on the date that Directives are issued shall be clearly delineated in writing by 04/25/94, giving projected dates of implementation of those tasks.	12/01/93
9) OCC and LAS to submit their comments on Directive #3902 and Directive #3903.	12/01/93
10) Parties to meet and discuss Directive #3902 and Directive #3903.	12/15/93
11) DOC to finalize all Directives listed above.	12/31/93
12) DOC to submit the Housekeeping Manual.	01/31/94
13) OCC and LAS to submit their comments on Activity 12 to DOC.	02/14/94
14) Parties to meet and discuss Housekeeping Manual.	02/28/94
15) DOC to finalize the Housekeeping Manual.	03/14/94



ACTIVITY

ACTIVITY  
DATE

- 16) The Department is to submit a comprehensive plan for training all Department employees who have significant responsibilities related to environmental health and sanitation, such that all appropriate employees have the information required to perform their tasks in conformity with the consent decree and the applicable health codes and regulations. The plan will include a description of methods, schedules and the content of instruction for each category of employee, and applicable course materials and lesson plans. In addition, the plan will provide that staff assigned to supervise work details shall be trained in acceptable methods of instruction and shall instruct inmate workers in proper sanitation techniques.

04/11/94

The plan will provide both a method for the effective communication of the contents of the Environmental Health Directives to the line staff Officers, and Housing Captains, so that the line staff Officers and Housing Captains, understand the nature of their responsibilities and duties under the Directives, and will provide a method for the effective implementation of the Directives, including direct supervision, at each facility.

- 17) Submit proposed schedule to OCC and LAS for the issuance of Institutional Orders at each facility, pursuant to the schedule of issuance of Directives, along with one example set of Institutional Orders. Release a teletype highlighting the critical nature of the Institutional Orders as they relate to the implementation of the Environmental Health Directives and Housekeeping Manual, instructing all relevant staff to become familiar with their contents. This teletype will be read at nine (9) consecutive roll calls and will be posted in appropriate employee areas.

05/02/94

## II. STAFFING

The Environmental Health unit received funding in the November 1993 Financial Plan for five Public Health Sanitarians. The recruitment of candidates for these positions commenced in December 1992. At this writing, all five Public Health Sanitarians have been hired. The training of each new Public Health Sanitarian has already commenced.

The five additional Public Health Sanitarian positions are intended to bring the total complement of sanitarian staff to eight. The increased number of sanitarians is intended to enable the Environmental Health Unit to enhance its inspection format and protocol. Heretofore, Environmental Health Unit inspections have been singular events: the unit inspected a facility or part of a facility, completed an inspection report and then proceeded to inspect another facility. With the additional staff, the unit is intended to effect a continuous inspection presence. Sanitarians will focus inspections on specific facilities or parts of facilities for prolonged periods of time. This enhanced inspection approach will be implemented as set forth in Work Plan Section III, Monitoring and Control.

The professional relationship between civilian Public Health Sanitarians and uniformed Environmental Health Captains is intended to support the Department's ability to meet Work Plan goals. The Public Health Sanitarians are intended to provide the required technical expertise and independent inspectional oversight necessary to monitor environmental health conditions within the facilities, while the Environmental Health Captains are intended to provide a focal point through which operational issues concerning remedial action can be addressed. Together, they are intended to provide a compliance mechanism for environmental health related directives.

The Department will complete a workload/management analysis consisting of an empirical study of Environmental Health staffing needs, and submit the results to OCC and LAS. The study will analyze specific work demands on each environmental health and sanitation related task required by consent decrees or relevant health code, regulations, or Department directives and manuals. It will determine the staff position to which each function shall be assigned, the qualifications needed to perform each function, and the number of each position required to maintain environmental conditions in each of the facilities and in the Department generally, in compliance with consent decree requirements. The study will incorporate an assessment of inmate work cadres, but will exclude skilled trades and civilian support staff, both of which will be included in a study to be prescribed in the Maintenance and Preventive Maintenance Work Plan.

ACTIVITY

ACTIVITY  
DATE

- |     |   |          |
|-----|---|----------|
| 18) | Completion of workload/management analysis, including work sampling, for Environmental Health Officers, House Captains, Correction Officers, Supervising Housekeepers and Institutional Aides, including an assessment of inmate work cadres. The analysis shall consider the appropriate numbers of inmates necessary to complete the tasks. | 12/01/93 |
| 19) | DOC to submit the results of the completed workload/management analysis to OCC and LAS.   | 03/30/94 |
| 20) | Department to submit an implementation plan for uniformed environmental health staffing allocation.   |          |
| 21) | Completion of workload/management analysis for Public Health Sanitarians.   | 09/30/94 |
| 22) | City to take all necessary measures to carry out implementation plan for uniformed environmental health staffing allocation.  | 10/28/94 |

III. MONITORING AND CONTROL

The Facility Inspection Procedure (FIP) and the Regulatory Agency Report Procedure (RARP) are designed to spell out the responsibilities of personnel at all levels of the Department of Correction for inspection and abatement of environmental health violations. The specific systems of accountability will be defined in the Environmental Health Directives.

The FIP and RARP will both be implemented by May 16, 1994, and will be evaluated by June 13, 1994. After thirty days of evaluation, the Environmental Health Unit will issue evaluation reports on the FIP and RARP. The reports will include a comparison of the violation abatement results before and during the period that these new procedures are in effect.

The Department seeks a condition whereby it is in "control of environmental health violations". By control of environmental health violations, the Department means that routine, non-emergency violations will be corrected on a schedule to be negotiated in connection with the inspection monitoring Directive to be negotiated as part of this Work Plan. Emergency violations will be corrected within an appropriate period of time.

Those activities and tasks associated with the housekeeping requirements of this Work Plan, such as control of environmental health violations with respect to

the consent decree provisions on housekeeping and refuse removal, plus the provisions concerning the daily cleaning of drains, cleanliness of food storage, preparation and service facilities, refuse collection in food storage, preparation and service areas, the cleaning of surfaces to which food and drink are exposed, and those concerning the cleaning of food-contact surfaces and equipment will be separated from other environmental health requirements. They will be placed on an accelerated schedule to achieve compliance by October 24, 1994. Attachment I to this workplan defines certain terms and phrases relative to the housekeeping requirements found in the consent decree and described in the directives.

Certain aspects of the housekeeping requirements, however, are currently being addressed. The organizational changes in facility operations proposed will result in significant improvements in the cleanliness of facilities in all but four facilities by December 31, 1993, and in the remaining four facilities (Anna M. Kross Center (AMKC), Adolescent Reception Detention Center (ARDC), North Infirmary Command (NIC) and West Facility) by March 25, 1994. This will be limited to cleaning vacated cells, sweeping and mopping housing areas three times daily, cleaning housing, communal shower and bathroom areas once a day, and removing garbage from housing areas three times daily.

<u>ACTIVITY</u>	<u>ACTIVITY DATE</u>
23) Significant improvements to cleaning all but four facilities.	12/31/93
24) Significant improvements to cleaning AMKC, ARDC, NIC and West Facility.	03/25/94
25) Implement FIP and RARP.	05/16/94
26) Commence evaluation of FIP and RARP.	06/13/94
27) Report on results of evaluation.	08/15/94
28) Control of Housekeeping violations.	10/24/94
29) Control of Environmental Health violations.	01/23/95

#### IV. SUPPLY MANAGEMENT

The Supply Plan is intended to provide for the consistent provision of adequate supplies for maintaining sanitation and proper housekeeping in all of its facilities. The Plan shall provide for a system of automatic, regular and frequently scheduled deliveries, not dependent upon supply requisitions from each of the facilities that replenish their supplies to a level calculated to maintain a constant reserve supply of each item sufficient to withstand disruption in the delivery system. The Plan shall also provide for a regular, reliable internal delivery system to housing units, service areas, and other locations within the facilities. The Plan shall encompass consumables and disposables (e.g., detergents, cleansers, soaps, disinfectants, toilet paper, paper towels, sanitary napkins, trash bags, towels, paints, solvents, etc.) and equipment and

durable goods (e.g., mops, brooms, mop heads, buckets, light bulbs, spray bottles, trash cans, paper product dispensers, ash cans, ladders, hoses, painting equipment, etc.). The Plan shall address the adequacy of facilities' storage space, with the object of permitting a uniform delivery cycle for the entire Department wherever possible. The Plan shall provide for a procurement system sufficient to carry out the Supply Plan. The Plan shall not encompass spare parts for fixtures and equipment, which shall be separately addressed in the Preventive Maintenance Work Plan.

The Environmental Health Unit will review housekeeping supplies within the facilities. This review will include supply strategies, inventory management techniques and proper housekeeping product utilization. The Department will conduct an assessment of the types and quantities of house keeping/sanitization supplies required to comply with the Environmental Health Directives and Housekeeping Manual in each of its facilities. The Supply Inventory Officer is intended to provide continual monitoring of supply distribution and usage in the facilities. This will ensure conformance with the supply plan.

<u>ACTIVITY</u>	<u>ACTIVITY DATE</u>
30) DOC to submit supply/inventory management model, which will include a framework of a comparative analysis of direct delivery alternatives, for environmental/sanitation supplies to OCC and LAS. (See Activity #33)	10/29/93 [completed]
31) Comments on supply/inventory model for environmental/sanitation supplies.	11/29/93
32) Implement supply/inventory plan for Division IV facilities, including an assessment of staffing required to handle supplies from the point of receipt by DOC.	01/28/94
33) Prepare comparative assessment of supply/inventory plans for environmental/sanitation supplies.	06/30/94
34) DOC to submit assessment of supply/inventory plan to OCC and LAS.	07/26/94
35) DOC to submit implementation plan and schedule for supply/inventory process to OCC and LAS.	09/27/94
36) City to take all necessary measures to carry out the supply plan in accordance with Work Plan and schedule.	12/30/94

## ATTACHMENT I

### ENVIRONMENTAL HEALTH WORKPLAN FOR SANITATION

1. Definitions of two pertinent terms follow:

Sanitizing is defined as the destruction of the living form of pathogenic bacteria by the use of disinfectant and other similar products. It will be accomplished in the entire bathroom area, including tiled walls, floors, and all showers, toilets, wash basins and sinks throughout the facility, including intake areas.

Cleaning is defined as the removal of visible dirt. It will be accomplished in all areas not requiring sanitizing.

2. Sanitation of Inmate Non-Living Areas (Occupiable Areas)

Areas regularly accessible to inmates are classified as occupiable areas. Examples of occupiable areas include such program spaces as the law libraries, gymnasiums, multi-purpose spaces, visit houses, commissaries, clinics, classrooms, attorney visiting rooms, holding and receiving rooms, grievance hearing rooms, etc. These areas will be cleaned at least once daily. All floors in common areas throughout the institution shall be kept free of hazardous materials; all floors in common areas that are occupiable by inmates, including corridors and stairwells leading to and connecting occupiable areas, shall be swept and washed daily, or more often as needed, and kept dry. Administrative areas which are accessible to inmate work cadres for work purposes shall not be classified as occupiable areas. These areas will be cleaned in accordance with a separate protocol, as noted in item #6, below.

3. Cleaning of Floors in Housing Blocks

All floors in common areas of the entire housing block where inmates congregate shall be swept and washed three times a day. These areas are defined as sections of the housing block wherein numbers of inmates regularly assemble as part of daily operation of the facility, such as day rooms and corridors.

#### 4. Slop Sinks

To determine if we have adequate access to a sink for cleaning, we have reviewed design drawings of typical housing areas. This has confirmed that slop sink space was included within initial building design at all housing areas. Actual conditions will be surveyed in accordance with Activity 1.1 of the Maintenance and Preventive Maintenance Work Plan, with the intent of ensuring that sinks which may have been removed from areas, are reinstalled as required by the Consent Decree.

#### 5. Cleaning of Windows and Walls

The logistic problems associated with window and/or wall washing at specific facilities are being addressed. In coordination with facility management and security personnel, protocols and cost data are being gathered for those locations where exterior washing will be required. Special equipment, which may facilitate internal cleaning at other locations, is currently being tested.

#### 6. Separate Cleaning Protocols

Certain non-inmate areas have been identified as requiring individual cleaning protocols. For example, typical administrative offices can be maintained in a clean state by removing garbage/debris on a daily basis, cleaning floors on a bi-weekly basis, and painting in accordance with Directive #3909. Maintenance and Correction Industry areas, while also requiring daily garbage/debris removal, have varying needs dependent upon the machinery and supplies being used in that location. Staff dining areas require cleaning protocols similar to those for inmate mess halls. Mechanical rooms and spaces for which there is access for servicing only, do not require cleaning on a scheduled basis, but only as required.