

HOUSE BILL REPORT

HB 2346

As Reported by House Committee On:
Public Safety & Emergency Preparedness
General Government Appropriations & Oversight

Title: An act relating to removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries.

Brief Description: Removing the requirement that correctional officers of the department of corrections purchase uniforms from correctional industries.

Sponsors: Representatives Walsh, Reykdal, Pearson, Hurst, Kristiansen, Nealey, McCune, Appleton, Orwall, Moscoso, Goodman, DeBolt, Rivers, Shea, Armstrong, Maxwell, Johnson, Springer, Darneille, Sells, Fitzgibbon, Eddy, Angel, Upthegrove, Kelley, Ryu, Stanford, Hudgins, Seaquist and Ormsby.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/27/12 [DP];

General Government Appropriations & Oversight: 2/2/12, 2/3/12 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Corrections to establish a quality control system for identifying inmates producing ill-fitting or substandard uniforms and a process for removing inmates from that program if they are found to continually produce substandard garments.
- Directs the Department of Corrections and the Department of Enterprise Services to initiate an open bidding process for new uniforms by March 2013 if not sooner if correctional uniforms continue to be of poor workmanship.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 10 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby and Ross.

Staff: Yvonne Walker (786-7841).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Department of Corrections (DOC) provides inmate work programs through the Correctional Industries Board (Board). The Board develops and implements programs that offer inmates employment, work experience, and training, and that reduce the cost of housing inmates. To achieve these goals, the Board operates five classes of correctional industry work programs. All inmates working in class I–IV employment receive financial compensation for their work. Class V jobs are court ordered community work that is performed for the benefit of the community without financial compensation.

Class II Industries. Class II ("tax reduction") industries are state-owned and operated industries designed to reduce the costs for goods and services for public agencies and nonprofit organizations. Industries in this class must be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may only be sold to public agencies, nonprofit organizations, and to private contractors when the goods purchased will ultimately be used by a public agency or a nonprofit organization. However, to avoid waste or spoilage, by-products and surpluses of timber, agricultural, and animal husbandry enterprises may be sold at private sale or donated to nonprofit organizations when there is no public sector market for such goods.

Inmates working in tax reduction industries do so by their own choice and are paid a gratuity which may not exceed the wage paid for work of a similar nature in the locality in which the industry is located. Class II gratuities range from 55 cents to \$1.55 per hour and includes such jobs as: producing aluminum signs, license plates and tabs, mattresses, asbestos abatement, meat processing, optical lab, engraving, furniture manufacturing, screen printing and embroidery, industrial sewing, and laundry. Security and custody services are provided without charge by the DOC.

The DOC Correctional Officer Uniforms. The uniforms that the DOC correctional officers wear are produced by incarcerated offenders participating in one of the DOCs' class II industry programs. Correctional Industries routinely purchases all of its material supplies for the uniforms from an in-state vendor. The current fabric vendor is Top Value Fabrics, Inc., located in Edmonds, Washington. The uniforms are then sewn or manufactured at one of the DOCs' class II industry programs located at Coyote Ridge Corrections Center, Airway Heights Corrections Center, or the Clallam Bay Corrections Center.

The DOC leases the uniforms directly from its Correctional Industries program and supplies all needed uniforms to its correctional officers at no cost to the officer. Each correctional officer receives three short sleeve and three long sleeve shirts, three pants, a winter jacket, a summer jacket, a watch cap, a baseball cap, and duty belt (and rain gear, as necessary). All patches and emblems are included in the leasing price. Mending, repairs, replacement, and laundering of all uniforms is also are provided to each correctional officer at no cost.

Approximately 100 offenders and eight staff are employed in the class II industry program industrial sewing shops for producing correctional officer uniforms.

Summary of Bill:

Effective July 1, 2012, the DOC is exempt from the statutory provisions that require state agencies to purchase goods and services from class II inmate work programs as it relates to uniforms for correctional officers.

Incarcerated offenders under the custody of the DOC are also prohibited from making or assembling uniforms to be worn by the DOC personnel.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Correctional Industry programs are known for helping to supply inmates with employable skills. However, the morale of correctional officers are being lessened because they are forced to wear uniforms that are perceived to be of substandard quality. The uniforms often fade, do not fit correctly, and are often ripped and torn easily. As a result, many officers are purchasing their own uniforms out of their own pockets.

Uniforms worn by officers have a psychological effect on offenders. Unprofessional uniforms suggest complacency which is an invitation to violence. Officers should not be forced to wear uniforms that are being made by inmates that they are guarding. This bill helps the state to make ethical choices about how the state produces and purchases uniforms. Correctional officers do a great job and deserve to have the best.

(Opposed) The DOC started this particular correctional industry several years ago because they felt inmates could gain some employable skills by working in this industry and also learn to keep a job. Correctional industry jobs help reduce inmate recidivism. Eight union staff would be affected by the passage of this bill.

Persons Testifying: (In support) Representative Walsh, prime sponsor; Representative Pearson; Tracey Thompson, Glen Gaither, and Greg Bellamy, Teamsters Local 117; John Christy, Walla Walla State Penitentiary; Ronney Matson, Stafford Creek Corrections; Teresa Mosqueda, Washington State Labor Council; and Julie Tackett, All for One and One for All.

(Opposed) Lyle Morse, Department of Corrections, Correctional Industries.

(Available for questions) Danielle Wiles, Department of Corrections, Correctional Industries.

Persons Signed In To Testify But Not Testifying: Robert Striever, Shawn Pilliponis, James Herten, and Tony Tellez, Teamsters Local 117; and Roger Heldman, Blumenthal Uniform Company.

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; Moscoso, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern, Armstrong, Blake, Fitzgibbon, Ladenburg, Pedersen, Van De Wege and Wilcox.

Staff: Alex MacBain (786-7288).

Summary of Recommendation of Committee On General Government Appropriations & Oversight Compared to Recommendation of Committee On Public Safety & Emergency Preparedness:

The General Government Appropriations and Oversight Committee removed the prohibition preventing incarcerated offenders under the custody of the Department of Corrections (DOC) from making or assembling uniforms to be worn by the DOC personnel.

The DOC must establish by rule a quality control system for specifically identifying each inmate's role in the manufacture of correctional uniforms. The quality control system must include measurable standards for producing uniforms of correct size, fit, and quality. Upon identification of workmanship quality problems traceable to an inmate, the inmate shall be removed from the industrial sewing program.

The DOC, in consultation with state correctional officers, shall report to the Legislature by January 31, 2013, on the policy and quality assurance program. If the report concludes that the industrial sewing program continues to produce substandard products, the DOC shall issue a request for proposal to purchase new uniforms by March 1, 2013. If the DOC concludes before January 31, 2013, that the uniforms do not satisfy correctional officers' requirements and are of substandard quality, then the DOC may begin the request for proposal immediately. The request for proposal process must be conducted with the Department of Enterprise Services and any contract issued must be the result of an open and competitive bidding or selection process, may not exceed current annual funding levels, and the product must be manufactured within the United States of America.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 6, 2012.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Substandard uniforms are impacting the morale of correctional officers. The uniforms often fade, do not fit correctly, and are often ripped and torn easily. A defective uniform may have a negative impact on job safety and performance. The inmates are manufacturing defective uniforms on purpose. As a result, many correctional officers are purchasing their own uniforms out of their own pockets. Uniforms worn by correctional officers have a psychological effect on offenders. Unprofessional uniforms suggest complacency which is an invitation to violence. Correctional officers should not be forced to wear uniforms that are being made by inmates that they are guarding. It is important for correctional officers to look professional. There have been significant budget reductions, and having proper uniforms could be one positive area for correctional officers. First impressions are important, and having proper uniforms has an impact on the inmates. Correctional officers do a great job and deserve to have the best.

(Opposed) None.

Persons Testifying: Carl Beatty, Monroe Correctional Complex; Mitch Blumenthal, Blumenthal Uniform Company; Rebecca Johnson, Washington State Labor Council; Tracy Thompson, Teamsters Local 117; John Christy, Washington State Penitentiary; Greg Bellamy, Clallam Bay Corrections Center; Chuck Maynard, Monroe Correctional Complex; and Shawn Pilliponis, James Hutchison, and Robert Stricker, Larch Corrections Center.

Persons Signed In To Testify But Not Testifying: None.