

SENATE BILL REPORT

SB 6615

As of February 2, 1998

Title: An act relating to exemptions from provisions governing occupational and professional activities.

Brief Description: Ensuring that provisions governing occupational and professional activities apply to the inmate work program.

Sponsors: Senators Schow and Heavey.

Brief History:

Committee Activity: Human Services & Corrections: 2/4/98.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Staff: Fara Daun (786-7459)

Background: Current law permits the Department of Corrections (DOC) to employ inmates in work programs. Work programs are divided into five classes, covering a wide variety of situations.

Class I programs are either employer model or the customer model programs. In both, offenders are paid wages comparable to those in the community and manufacture products for sale to the private sector.

Employer model programs are partnerships between DOC and private sector employers. The employer sets up operations within DOC facilities and provides all machinery and equipment, management, supervision, on-the-job-training, and pays workers compensation insurance. DOC provides free space, workforce training, a Correctional Industries (CI) coordinator, and custody supervision.

Customer model programs are programs where CI is the employer. CI is only authorized to establish customer model programs if no Washington company manufactures the goods.

Class II programs are managed directly by the Division of Correctional Industries and reduce the cost of goods or services for tax supported agencies and nonprofit organizations. Goods from class II programs are not permitted to be sold for private sector use. There is an exception made for contractors who get prior approval to use goods from class II programs to fulfill public sector contracts. Funds raised by class II programs are used to support CI activities.

Class III programs are managed by prison personnel at each institution. These programs use inmate labor in areas that directly support the institution. Typical areas are laundry, food service, grounds keeping, maintenance, and office clerks. These positions provide offenders

initial training and work experience, introduce them to the work ethic, and give them basic work skills.

Class IV programs employ offenders from minimum security institutions in public and nonprofit agencies at the agency's location in the community. The agency pays wages and supervises the offender. DOC may reimburse the employer for worker's compensation insurance.

Class V programs are alternatives to confinement for nonviolent offenders created under the Sentencing Reform Act of 1981. Judges may direct offenders to work without compensation for the benefit of the community in programs administered through the state, a unit of local government, or a nonprofit agency.

Summary of Bill: The use of inmate labor and inmate work programs of all classes are subject to all laws designed to protect the public interest, and all laws designed to protect the health or safety of the public or of workers.

The laws covered include laws related to:

- (1) Public works;
- (2) Contractor registration;
- (3) Professional or occupational licensing or certification;
- (4) Industrial safety or health; and
- (5) Hazardous materials.

Appropriation: None.

Fiscal Note: Requested on January 26, 1998.

Effective Date: Ninety days after adjournment of session in which bill is passed.