
HOUSE BILL 2923

State of Washington 55th Legislature 1998 Regular Session

By Representatives McMorris, Conway, Koster, Cole and Gombosky

Read first time 01/22/98. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to exemptions from provisions governing
2 occupational and professional activities; and amending RCW 72.09.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each
5 amended to read as follows:

6 It is the intent of the legislature to vest in the department the
7 power to provide for a comprehensive inmate work program and to remove
8 statutory and other restrictions which have limited work programs in
9 the past. It is the intent of the legislature that all laws designed
10 to protect the public interest or the health or safety of the public or
11 of workers shall apply to inmate work programs and the use of inmate
12 labor. These laws include but are not limited to the laws governing
13 public works, contractor registration, professional or occupational
14 licensing or certification, industrial safety and health, and hazardous
15 materials. No exemption from these laws is provided by this section.
16 For purposes of establishing such a comprehensive program, the
17 legislature recommends that the department consider adopting any or
18 all, or any variation of, the following classes of work programs:

1 (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model
2 industries in this class shall be operated and managed in total or in
3 part by any profit or nonprofit organization pursuant to an agreement
4 between the organization and the department. The organization shall
5 produce goods or services for sale to both the public and private
6 sector.

7 The customer model industries in this class shall be operated and
8 managed by the department to provide Washington state manufacturers or
9 businesses with products or services currently produced or provided by
10 out-of-state or foreign suppliers. The correctional industries board
11 of directors shall review these proposed industries before the
12 department contracts to provide such products or services. The review
13 shall include an analysis of the potential impact of the proposed
14 products and services on the Washington state business community and
15 labor market.

16 The department of corrections shall supply appropriate security and
17 custody services without charge to the participating firms.

18 Inmates who work in free venture industries shall do so at their
19 own choice. They shall be paid a wage comparable to the wage paid for
20 work of a similar nature in the locality in which the industry is
21 located, as determined by the director of correctional industries. If
22 the director cannot reasonably determine the comparable wage, then the
23 pay shall not be less than the federal minimum wage.

24 An inmate who is employed in the class I program of correctional
25 industries shall not be eligible for unemployment compensation benefits
26 pursuant to any of the provisions of Title 50 RCW until released on
27 parole or discharged.

28 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
29 shall be state-owned and operated enterprises designed to reduce the
30 costs for goods and services for tax-supported agencies and for
31 nonprofit organizations. The industries selected for development
32 within this class shall, as much as possible, match the available pool
33 of inmate work skills and aptitudes with the work opportunities in the
34 free community. The industries shall be closely patterned after
35 private sector industries but with the objective of reducing public
36 support costs rather than making a profit. The products and services
37 of this industry, including purchased products and services necessary
38 for a complete product line, may be sold to public agencies, to
39 nonprofit organizations, and to private contractors when the goods

1 purchased will be ultimately used by a public agency or a nonprofit
2 organization. Clothing manufactured by an industry in this class may
3 be donated to nonprofit organizations that provide clothing free of
4 charge to low-income persons. Correctional industries products and
5 services shall be reviewed by the correctional industries board of
6 directors before offering such products and services for sale to
7 private contractors. The board of directors shall conduct a yearly
8 marketing review of the products and services offered under this
9 subsection. Such review shall include an analysis of the potential
10 impact of the proposed products and services on the Washington state
11 business community. To avoid waste or spoilage and consequent loss to
12 the state, when there is no public sector market for such goods,
13 byproducts and surpluses of timber, agricultural, and animal husbandry
14 enterprises may be sold to private persons, at private sale. Surplus
15 byproducts and surpluses of timber, agricultural and animal husbandry
16 enterprises that cannot be sold to public agencies or to private
17 persons may be donated to nonprofit organizations. All sales of
18 surplus products shall be carried out in accordance with rules
19 prescribed by the secretary.

20 Security and custody services shall be provided without charge by
21 the department of corrections.

22 Inmates working in this class of industries shall do so at their
23 own choice and shall be paid for their work on a gratuity scale which
24 shall not exceed the wage paid for work of a similar nature in the
25 locality in which the industry is located and which is approved by the
26 director of correctional industries.

27 Subject to approval of the correctional industries board,
28 provisions of RCW 41.06.380 prohibiting contracting out work performed
29 by classified employees shall not apply to contracts with Washington
30 state businesses entered into by the department of corrections through
31 class II industries.

32 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
33 this class shall be operated by the department of corrections. They
34 shall be designed and managed to accomplish the following objectives:

35 (a) Whenever possible, to provide basic work training and
36 experience so that the inmate will be able to qualify for better work
37 both within correctional industries and the free community. It is not
38 intended that an inmate's work within this class of industries should
39 be his or her final and total work experience as an inmate.

1 (b) Whenever possible, to provide forty hours of work or work
2 training per week.

3 (c) Whenever possible, to offset tax and other public support
4 costs.

5 Supervising, management, and custody staff shall be employees of
6 the department.

7 All able and eligible inmates who are assigned work and who are not
8 working in other classes of industries shall work in this class.

9 Except for inmates who work in work training programs, inmates in
10 this class shall be paid for their work in accordance with an inmate
11 gratuity scale. The scale shall be adopted by the secretary of
12 corrections.

13 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
14 shall be operated by the department of corrections. They shall be
15 designed and managed to provide services in the inmate's resident
16 community at a reduced cost. The services shall be provided to public
17 agencies, to persons who are poor or infirm, or to nonprofit
18 organizations.

19 Inmates in this program shall reside in facilities owned by,
20 contracted for, or licensed by the department of corrections. A unit
21 of local government shall provide work supervision services without
22 charge to the state and shall pay the inmate's wage.

23 The department of corrections shall reimburse participating units
24 of local government for liability and workers compensation insurance
25 costs.

26 Inmates who work in this class of industries shall do so at their
27 own choice and shall receive a gratuity which shall not exceed the wage
28 paid for work of a similar nature in the locality in which the industry
29 is located.

30 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class
31 shall be subject to supervision by the department of corrections. The
32 purpose of this class of industries is to enable an inmate, placed on
33 community supervision, to work off all or part of a community service
34 order as ordered by the sentencing court.

35 Employment shall be in a community service program operated by the
36 state, local units of government, or a nonprofit agency.

1 To the extent that funds are specifically made available for such
2 purposes, the department of corrections shall reimburse nonprofit
3 agencies for workers compensation insurance costs.

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