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HOUSE BILL 2488

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Koster, Ballasiotes, Cairnes, B. Chandler and O'Brien

Read first time 01/14/2000. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to modifying requirements for correctional  
2 industries; 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. For purposes of establishing such a comprehensive program,  
10 the legislature recommends that the department consider adopting any or  
11 all, or any variation of, the following classes of work programs:

12 (1) CLASS I: FREE VENTURE INDUSTRIES. (a) The employer model  
13 industries in this class shall be operated and managed in total or in  
14 part by any profit or nonprofit organization pursuant to an agreement  
15 between the organization and the department. The organization shall  
16 produce goods or services for sale to both the public and private  
17 sector.

18 Any agreement between the organization and the department must be  
19 reviewed and approved by the correctional industries board of

1 directors. The review shall include an analysis of the potential  
2 impact of the proposed agreement on the Washington state business  
3 community and labor market, and shall include a public hearing. Public  
4 testimony shall be allowed at the hearing, and the board shall notify  
5 each Washington business that has the same three-digit standard  
6 industrial classification code as the organization seeking the  
7 agreement of the date, time, and place of the hearing. The board may  
8 not approve any agreement that will have an adverse economic impact on  
9 a Washington business. For purposes of this subsection (1)(a),  
10 "Washington business" means a person subject to the provisions of  
11 chapter 82.04 RCW.

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

21 (c) The department of corrections shall supply appropriate security  
22 and custody services without charge to the participating firms.

23 (d) Inmates who work in free venture industries shall do so at  
24 their own choice. They shall be paid a wage comparable to the wage  
25 paid for work of a similar nature in the locality in which the industry  
26 is located, as determined by the director of correctional industries.  
27 If the director cannot reasonably determine the comparable wage, then  
28 the pay shall not be less than the federal minimum wage.

29 (e) An inmate who is employed in the class I program of  
30 correctional industries shall not be eligible for unemployment  
31 compensation benefits pursuant to any of the provisions of Title 50 RCW  
32 until released on parole or discharged.

33 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class  
34 shall be state-owned and operated enterprises designed to reduce the  
35 costs for goods and services for tax-supported agencies and for  
36 nonprofit organizations. The industries selected for development  
37 within this class shall, as much as possible, match the available pool  
38 of inmate work skills and aptitudes with the work opportunities in the  
39 free community. The industries shall be closely patterned after

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

26 Security and custody services shall be provided without charge by  
27 the department of corrections.

28 Inmates working in this class of industries shall do so at their  
29 own choice and shall be paid for their work on a gratuity scale which  
30 shall not exceed the wage paid for work of a similar nature in the  
31 locality in which the industry is located and which is approved by the  
32 director of correctional industries.

33 Subject to approval of the correctional industries board,  
34 provisions of RCW 41.06.380 prohibiting contracting out work performed  
35 by classified employees shall not apply to contracts with Washington  
36 state businesses entered into by the department of corrections through  
37 class II industries.

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

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

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

11 (c) Whenever possible, to offset tax and other public support  
12 costs.

13 Supervising, management, and custody staff shall be employees of  
14 the department.

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

17 Except for inmates who work in work training programs, inmates in  
18 this class shall be paid for their work in accordance with an inmate  
19 gratuity scale. The scale shall be adopted by the secretary of  
20 corrections.

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

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

31 The department of corrections shall reimburse participating units  
32 of local government for liability and workers compensation insurance  
33 costs.

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

38 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class  
39 shall be subject to supervision by the department of corrections. The

1 purpose of this class of industries is to enable an inmate, placed on  
2 community supervision, to work off all or part of a community service  
3 order as ordered by the sentencing court.

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

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

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