

WAC 137-80-034 Class IV: Community work crews. Offenders in Class IV work status reside in facilities contracted for, owned or licensed by the department and participate in programs that have both education and work components.

(1) Prisons may provide two types of Class IV services. The first or standard type (standard), will constitute the majority of Class IV work and be paid for by the recipient of the services. The second and far less frequent type of Class IV service, a "good-will project" (project), will be paid for by the department.

(2) The secretary or designee will determine the criteria for Class IV good-will projects.

(3) Class IV services may be initiated by the department or provided at the request of a public agency or a public benefit nonprofit corporation.

(4) Class IV services are performed in the community, generally in the county in which the prison is located.

(5) Offenders in the same facility, who perform Class IV work utilizing the same or similar job descriptions, shall be compensated equally for the services that they provide.

(6) Class IV services do not require skilled labor, are not performed on private property, unless owned or operated by a public benefit nonprofit corporation, and have minimal negative impact on existing private industries or the labor force in the county where the service is provided.

(7) For standard Class IV services:

(a) The department will require:

(i) A master contract, written with program input, in the department's office of contracts and legal affairs and signed by the department secretary or contracts administrator and an authorized representative of the public agency or public benefit nonprofit corporation requesting the work; and

(ii) The master contract must be signed by both parties before a work project description, which operates under the master contract to detail the responsibilities of each party for each project, is signed and services may begin.

(b) The public agency or public benefit nonprofit corporation that requests/receives the services will:

(i) Sign a Class IV master contract and, for each distinct project, sign a work project description under that master contract;

(ii) Provide offenders with relevant job specific and site specific safety training as well as instruction in the use of any specialized equipment;

(iii) At no cost to the department, supervise the project and direct the work performed;

(iv) Pay the department directly:

(A) At the then current state mileage rate, for transporting offenders to and from the worksite each day; and

(B) Offender compensation for the work performed.

(v) At the start of each calendar quarter, pay the cost of worker's compensation insurance coverage directly to the Washington state department of labor and industries, for each hour of offender services received during the previous quarter;

(vi) At the start of each calendar quarter, report the total number of offender service hours received during the previous quarter, directly to the department of labor and industries.

(8) For good-will projects the department will:

- (a) Require a written and signed "project agreement" before offenders may begin work:
 - (i) The project agreement template is available from DOC contracts and legal affairs for customization and completion at the facility;
 - (ii) The customized project agreement must be signed by the prison superintendent or designee and an authorized representative of the public benefit nonprofit or public agency; and
 - (iii) Must be sent to DOC contracts and legal affairs, within two calendar days after it is signed by both parties.
- (b) At state expense, provide the management, work supervision, security and custody services required;
- (c) Compensate offenders for work performed;
- (d) At the start of each calendar quarter, pay the cost of offender worker's compensation insurance coverage directly to the Washington state department of labor and industries, for each hour of offender good-will services provided during the previous quarter;
- (e) At the start of each calendar quarter, report the total number of offender good-will service hours provided during the previous quarter, directly to the department of labor and industries; and
- (f) Have the option, at its own discretion for a specific project, to conduct the advance hazardous conditions and/or materials inspection itself or waive the requirement. Any waiver of the requirement will be based upon facility experience with the project site or the work to be performed.
- (9) For all Class IV services:
 - (a) The department will:
 - (i) Screen and select the offenders for work crews based upon eligibility criteria developed by the department;
 - (ii) Review the public agency or public benefit nonprofit's hazardous conditions/materials report to assess whether or not to provide the requested services, require specific personal protective equipment (PPE) for offenders or require site remediation by the agency or nonprofit before offenders can begin the work;
 - (iii) Suspend offender work where/if hazardous materials or conditions are discovered and make appropriate notifications for further assessment;
 - (iv) Transport offenders to and from worksites;
 - (v) Provide custody and security supervision of the offenders; and
 - (vi) Provide or coordinate the educational components of the program.
 - (b) The department will not reimburse any public agency or public benefit nonprofit corporation that uses offender services, for liability insurance costs associated with the services provided by offenders to the public agency or public benefit nonprofit corporation;
 - (c) The public agency or public benefit nonprofit corporation that requests/receives the offender services will, in accordance with WAC 296-800-160, conduct an advance hazardous conditions and materials assessment, for each distinct project and report the results using DOC Form 03-247 or other similar hazard assessment and PPE selection worksheet, to the department.
- (10) Class IV correctional industries programs operated in work camps established pursuant to RCW 72.64.050 are managed under separate intergovernmental and local agreements and are exempt from these requirements.

[Statutory Authority: RCW 72.01.090 and 72.09.100. WSR 15-20-010, § 137-80-034, filed 9/24/15, effective 1/1/16.]