

**WAC 137-80-035 Class V: Restitution, work release, and community supervision or custody.** (1) Participants in this class are offenders who are:

- (a) In court ordered community restitution programs;
- (b) In work release status; or
- (c) Under community supervision or custody.

(2) Class V programs require a master contract, written 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. 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.

(3) Class V programs may be operated by the department or by another public agency. Services in this class may only be provided to public agencies or to public benefit nonprofit corporations. The department may, by written contract, operate Class V crews that include offenders under the jurisdiction of other governmental entities. The department's authority over offenders under the jurisdiction of other governmental entities will be limited to that which is necessary for those offenders to participate on department Class V crews.

(4) When Class V programs are operated by the department, the department will:

- (a) Transport offenders to and from worksites;
- (b) Provide custody and security supervision of the offenders;
- (c) 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; and
- (d) Suspend offender work where/if hazardous materials or conditions are discovered and make appropriate notifications for further assessment.

(5) The public agency or public benefit nonprofit corporation that receives the services will:

- (a) 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;
- (b) Provide offenders with relevant job specific and site specific safety training as well as instruction in the use of any specialized equipment;
- (c) At no cost to the department, supervise the project and direct the work performed by the offenders;
- (d) Pay the department, at the then current state mileage rate, for transporting offenders to and from the project site each day;
- (e) 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; and
- (f) 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. (See WAC 137-80-080 and RCW 51.12.045.)

[Statutory Authority: RCW 72.01.090 and 72.09.100. WSR 15-20-010, § 137-80-035, filed 9/24/15, effective 1/1/16.]