

**WAC 137-80-070 Safety and health.** (1) As required by the state division of occupational safety and health (DOSH), participants in offender work programs will be provided a safe and healthy workplace free from recognized hazards.

(2) All correctional industries and programs will adhere to relevant federal and state safety laws as well as to departmental safety policies and requirements.

(3) The department, as the custodial authority, will determine whether or not it is safe for offenders to perform the requested services in Classes IV and V. The department's determination will be based upon the results of a hazardous conditions and materials assessment, performed in accordance with WAC 296-800-160 by the recipient of the offender services and provided to the department, using DOC Form 03-247 or other similar hazard assessment and PPE selection worksheet.

(4) Offenders in Classes I, IV, and V shall receive work and safety training and any necessary personal protective equipment (PPE), in accordance with the contract scope of work, the work project description and chapter 296-800 WAC, Safety and health core rules.

(5) Offenders participating in Class III programs are not considered "employees" for DOSH purposes.

(6) For DOSH purposes, offenders participating in Class V programs may be considered "employees" or "workers" of the public agency or public benefit nonprofit corporation for which the services are performed. (See RCW 51.12.045.)

[Statutory Authority: RCW 72.01.090 and 72.09.100. WSR 15-20-010, § 137-80-070, filed 9/24/15, effective 1/1/16.]