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SENATE BILL 6615

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State of Washington

55th Legislature

1998 Regular Session

By Senators Schow and Heavey

Read first time 01/22/98. Referred to Committee on Human Services & Corrections.

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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