

**WAC 137-80-090 Work crew costs and responsibilities.** (1) Nothing in this chapter shall be construed as limiting the regulatory authority of the department of labor and industries in determining health and safety compliance and employer status for purposes of DOSH and Title 51 RCW, the issuance or review of citations or corrective actions related to health and safety compliance in the workplace provided the community or community restitution work crew, or in determining responsibility for payment of fees due under Title 51 RCW.

It is understood that the responsible divisions within the department of labor and industries shall act independently in any review of claims or citations. Public agencies and public benefit nonprofit corporations that contract with the department for work crew services will be responsible for safety and health conditions at the work location, will have the responsibility and the authority for ensuring that any hazardous condition is corrected, and as applicable, reimburse the department for the cost of worker industrial insurance coverage. For standard Class IV services only, recipients will also be responsible for paying worker gratuities.

(2) The department will provide at least one correctional officer for the security and custody supervision of workers at all work crew locations to fulfill its mission to improve public safety and to maintain custody as required by state law.

(3) Any specific worker personal protective equipment that is required will be detailed in the work project description for each Class IV or Class V work crew project or in the services agreement for any goodwill service. The party(ies) responsible for providing such personal protective equipment will also be designated in the work project description.

[Statutory Authority: RCW 72.01.090 and 72.09.100. WSR 20-13-054, § 137-80-090, filed 6/12/20, effective 7/13/20; WSR 15-20-010, § 137-80-090, filed 9/24/15, effective 1/1/16.]