

**WAC 137-80-070 Safety and health.** (1) As required by the state division of occupational safety and health (DOSH), individuals in 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 individuals to perform the requested services in Classes IV and V. The department's determination may be based upon previous experience with the work location, the work requested and the recipient, or the results of a hazardous conditions and materials assessment performed by the department and the recipient together or at the department's discretion, by the department alone.

(4) Workers in Classes IV and V shall receive work and safety training and any necessary personal protective equipment, in accordance with the master agreement, associated work project descriptions, goodwill service agreement and chapter 296-800 WAC, Safety and health core rules.

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

(6) For DOSH purposes, incarcerated individuals participating in Class V programs may be considered "employees" or "workers."

[Statutory Authority: RCW 72.01.090 and 72.09.100. WSR 20-13-054, § 137-80-070, filed 6/12/20, effective 7/13/20; WSR 15-20-010, § 137-80-070, filed 9/24/15, effective 1/1/16.]