

2 **HB 2300** - S COMM AMD
3 By Committee on Labor & Commerce

4 ADOPTED 3/1/94

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 72.09.100 and 1992 c 123 s 1 are each amended to read
8 as follows:

9 It is the intent of the legislature to vest in the department the
10 power to provide for a comprehensive inmate work program and to remove
11 statutory and other restrictions which have limited work programs in
12 the past. For purposes of establishing such a comprehensive program,
13 the legislature recommends that the department consider adopting any or
14 all, or any variation of, the following classes of work programs:

15 (1) CLASS I: FREE VENTURE INDUSTRIES. The employer model
16 industries in this class shall be operated and managed in total or in
17 part by any profit or nonprofit organization pursuant to an agreement
18 between the organization and the department. The organization shall
19 produce goods or services for sale to both the public and private
20 sector.

21 The customer model industries in this class shall be operated and
22 managed by the department to provide Washington state manufacturers or
23 businesses with products or services currently produced or provided by
24 out-of-state or foreign suppliers. The correctional industries board
25 of directors shall review these proposed industries before the
26 department contracts to provide such products or services. The review
27 shall include an analysis of the potential impact of the proposed
28 products and services on the Washington state business community and
29 labor market.

30 The department of corrections shall supply appropriate security and
31 custody services without charge to the participating firms.

32 Inmates who work in free venture industries shall do so at their
33 own choice. They shall be paid a wage comparable to the wage paid for
34 work of a similar nature in the locality in which the industry is
35 located, as determined by the director of correctional industries. If

1 the director cannot reasonably determine the comparable wage, then the
2 pay shall not be less than the federal minimum wage.

3 An inmate who is employed in the class I program of correctional
4 industries shall not be eligible for unemployment compensation benefits
5 pursuant to any of the provisions of Title 50 RCW until released on
6 parole or discharged.

7 (2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class
8 shall be state-owned and operated enterprises designed to reduce the
9 costs for goods and services for tax-supported agencies and for
10 nonprofit organizations. The industries selected for development
11 within this class shall, as much as possible, match the available pool
12 of inmate work skills and aptitudes with the work opportunities in the
13 free community. The industries shall be closely patterned after
14 private sector industries but with the objective of reducing public
15 support costs rather than making a profit. The products and services
16 of this industry, including purchased products and services necessary
17 for a complete product line, may be sold to public agencies, to
18 nonprofit organizations, and to private contractors when the goods
19 purchased will be ultimately used by a public agency or a nonprofit
20 organization. Clothing manufactured by an industry in this class may
21 be donated to nonprofit organizations that provide clothing free of
22 charge to low-income persons. Correctional industries products and
23 services shall be reviewed by the correctional industries board of
24 directors before offering such products and services for sale to
25 private contractors. The board of directors shall conduct a yearly
26 marketing review of the products and services offered under this
27 subsection. Such review shall include an analysis of the potential
28 impact of the proposed products and services on the Washington state
29 business community. To avoid waste or spoilage and consequent loss to
30 the state, when there is no public sector market for such goods,
31 byproducts and surpluses of timber, agricultural, and animal husbandry
32 enterprises may be sold to private persons, at private sale. Surplus
33 byproducts and surpluses of timber, agricultural and animal husbandry
34 enterprises that cannot be sold to public agencies or to private
35 persons may be donated to nonprofit organizations. All sales of
36 surplus products shall be carried out in accordance with rules
37 prescribed by the secretary.

38 Security and custody services shall be provided without charge by
39 the department of corrections.

1 Inmates working in this class of industries shall do so at their
2 own choice and shall be paid for their work on a gratuity scale which
3 shall not exceed the wage paid for work of a similar nature in the
4 locality in which the industry is located and which is approved by the
5 director of correctional industries.

6 (3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in
7 this class shall be operated by the department of corrections. They
8 shall be designed and managed to accomplish the following objectives:

9 (a) Whenever possible, to provide basic work training and
10 experience so that the inmate will be able to qualify for better work
11 both within correctional industries and the free community. It is not
12 intended that an inmate's work within this class of industries should
13 be his or her final and total work experience as an inmate.

14 (b) Whenever possible, to provide forty hours of work or work
15 training per week.

16 (c) Whenever possible, to offset tax and other public support
17 costs.

18 Supervising, management, and custody staff shall be employees of
19 the department.

20 All able and eligible inmates who are assigned work and who are not
21 working in other classes of industries shall work in this class.

22 Except for inmates who work in work training programs, inmates in
23 this class shall be paid for their work in accordance with an inmate
24 gratuity scale. The scale shall be adopted by the secretary of
25 corrections.

26 (4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class
27 shall be operated by the department of corrections. They shall be
28 designed and managed to provide services in the inmate's resident
29 community at a reduced cost. The services shall be provided to public
30 agencies, to persons who are poor or infirm, or to nonprofit
31 organizations.

32 Inmates in this program shall reside in facilities owned by,
33 contracted for, or licensed by the department of corrections. A unit
34 of local government shall provide work supervision services without
35 charge to the state and shall pay the inmate's wage.

36 The department of corrections shall reimburse participating units
37 of local government for liability and workers compensation insurance
38 costs.

1 Inmates who work in this class of industries shall do so at their
2 own choice and shall receive a gratuity which shall not exceed the wage
3 paid for work of a similar nature in the locality in which the industry
4 is located.

5 (5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class
6 shall be subject to supervision by the department of corrections. The
7 purpose of this class of industries is to enable an ((offender))
8 inmate, placed on community supervision, to work off all or part of a
9 community service order as ordered by the sentencing court.

10 Employment shall be in a community service program operated by the
11 state, local units of government, or a nonprofit agency.

12 To the extent that funds are specifically made available for such
13 purposes, the department of corrections shall reimburse nonprofit
14 agencies for workers compensation insurance costs."

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18 On page 1, line 1 of the title, after "programs;" strike the
19 remainder of the title and insert "and amending RCW 72.09.100."

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